

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE AT BANGOR

SHANA SANDLER,)
)
 Plaintiff,)
)
 v.)
)
 MIA CALCAGNI,)
 RALPH CALCAGNI,)
 MAUREEN CALCAGNI,)
 PETER MARS,)
 and)
 BOOKSURGE, LLC,)
)
 Defendants.)

Case No. 07-CV-00029-DBH

**OBJECTION OF BOOKSURGE, LLC TO PLAINTIFF’S MOTION FOR EXTENSION
OF TIME TO FILE LIABILITY EXPERT DESIGNATIONS**

Pursuant to Local Rule 7(b), Defendant BOOKSURGE, LLC (“BookSurge”), through its attorneys, Kirkpatrick & Lockhart Preston Gates Ellis, LLP, objects to Plaintiff SHANA SANDLER’s (“Sandler”) Motion for Extension of Time of File Liability Expert Designations (“Motion”), as follows:

1. Sandler requests an extension of two months to disclose expert witnesses. The Motion states only summarily that Sandler wishes to complete depositions of all Defendants before disclosing experts, but fails to explain why it is necessary for the Plaintiff to complete all of its deposition discovery before identifying any experts necessary for the Plaintiff to prove her own case.

2. BookSurge has asked Plaintiff’s counsel to elaborate on why the extension is necessary, as well as the scope of anticipated disclosures, in an effort to evaluate an agreed extension, but Sandler has declined to elaborate. BookSurge also offered to stipulate, without

elaboration, to a ten day extension of both expert disclosure deadlines, but Sandler did not respond to that offer and instead immediately filed this Motion. See Affidavit of Matthew J. Segal & Exhibits (submitted herewith).

3. Sandler's proposed extension will substantially disrupt the case schedule and leave inadequate time for Defendants to identify and disclose their experts, or complete discovery. Under this Court's case schedule, Plaintiff's expert designations are now due on October 30, 2007. Defendants' disclosures are due December 4, 2007. The discovery cut off date is January 15, 2008. Plaintiff's proposed extension would mean her expert disclosures would not be due until December 27, 2007. This would mean that Defendants would only be entitled to three weeks to conduct any additional discovery. This would also mean that Defendants' expert disclosures would not be due until February 2008.

4. Sandler's states in her Motion that "[a]t the insistence of defense counsel, the defendants are not being made available for depositions until November." This is completely untrue. This Court issued its case schedule on August 14, 2007. Sandler did not object to the expert designation dates or any of the dates on the case schedule. The parties have worked together to arrange dates for depositions, and Mr. Kubetz never raised the issue of expert disclosures during that process. See Segal Affidavit. Moreover, Sandler did not serve a deposition notice of BookSurge until September 28, and proposed a deposition date of November 6, 2007. BookSurge promptly responded and the parties agreed to depose BookSurge on November 27. Id.

5. If Sandler needs a more reasonable and limited amount of time to complete expert disclosures, then BookSurge has no objection. BookSurge respectfully requests, however, that the Court limit the extension to 10 days and grant a reciprocal extension for Defendants' expert disclosures.

REQUEST FOR RELIEF

WHEREFORE, BookSurge prays for the following relief:

1. Sandler's Motion be denied; or
2. In the alternative Sandler's Motion be granted in part, with Sandler allowed a ten day extension to disclose Plaintiffs' experts, and Defendants' allowed a 10 day reciprocal extension;

BOOKSURGE, LLC

By its attorneys,

/s/ Steven P. Wright

Steven P. Wright (ME BBO# 009473)

Kirkpatrick & Lockhart Preston

Gates Ellis LLP

State Street Financial Center

One Lincoln Street

Boston, MA 02111-2950

Stephen A. Smith (Pro Hac Vice)

Matthew J. Segal (Pro Hac Vice)

Kirkpatrick & Lockhart Preston

Gates Ellis LLP

925 Fourth Avenue, Suite 2900

Seattle, Washington 98104-1158

October 26, 2007

CERTIFICATE OF SERVICE

I hereby certify that on October 26, 2007, I electronically filed the Objection of BookSurge, LLC to Plaintiff's Motion for Extension of Time to File Liability Expert Designations with the Clerk of Court using the CM/ECF system which will send notification of such filings to the following counsel of record:

Bernard J. Kubetz, Esq.
Eaton Peabody
80 Exchange Street
P.O. Box 1210
Bangor, ME 04401-1210

Bruce Mallonee, Esq.
Rudman & Winchell, LLC
84 Harlow Street
P.O. Box 1401
Bangor, ME 04402-1401

J. William Druary, Jr., Esq.
Marden, Dubord, Bernier & Stevens
44 Elm Street
P.O. Box 708
Waterville, ME 04903

/s/ Steven P. Wright
Steven P. Wright