

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

SHANA SANDLER,)	
)	
Plaintiff)	
)	
v.)	
)	
MIA CALCAGNI, RALPH CALCAGNI,)	Case No. 1:07-CV-00029
MAUREEN CALCAGNI, PETER MARS,)	
and BOOKSURGE, LLC)	
)	
Defendants)	

OPPOSITION OF DEFENDANTS MIA, RALPH, AND MAUREEN CALCAGNI
TO PLAINTIFF'S MOTION FOR DEFAULT

The Calcagni Defendants respond to Plaintiff's Motion for Default as follows:

1. The parties to this action scheduled depositions of all parties except for Defendant Booksurge, LLC, for November 2, 5, and 6, 2007, to be conducted in the offices of Plaintiff's counsel in Bangor, Maine.
2. Plaintiff Shana Sandler's deposition was to be taken on Friday, November 2. The deposition of Defendant Maureen Calcagni was to be taken on the morning of November 5, to be followed by the deposition of Defendant Ralph Calcagni in the afternoon. Defendant Peter Mars was to be deposed on the morning of November 6, with Defendant Mia Calcagni's deposition to occur in the afternoon.
3. Actual events did not progress to completion as planned. Plaintiff Sandler's deposition was commenced on November 2 but not completed. Defendant Maureen Calcagni continues to be a resident of Winthrop, Maine, but maintains quarters in Massachusetts, where she is employed by L. L. Bean; she traveled to Bangor for her deposition on limited sleep, having worked over the weekend. Her deposition was begun on November 5, consumed the entire day, and was not completed.

4. Defendant Ralph Calcagni's deposition was deferred from the afternoon of November 5 to the morning of November 6. It began in the morning, consumed the entire day, and was not completed.

5. Defendant Peter Mars's deposition was not reached. Neither was Defendant Mia Calcagni's.

6. The deposition of Defendant Booksurge, LLC, is expected to take place in Charleston, South Carolina. Depositions of other parties may resume in or near Boston, Massachusetts. Defendant Mia Calcagni will appear for her deposition in either of these locations.

WHEREFORE, Defendant Mia Calcagni prays that Plaintiff's Motion for Default be denied.

Dated at Bangor, Maine, this 27th day of November, 2007.

/s/ Bruce C. Mallonee, Esq.

Bruce C. Mallonee, Esq.

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CERTIFICATE OF SERVICE

I hereby certify that I served a copy of Defendant Mia Calcagni's Opposition to Plaintiff's Motion for Default, upon counsel of record by electronic mail, on the 27th day of November, 2007, addressed to:

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