

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

SHANA SANDLER,)	
)	
<i>Plaintiff</i>)	
)	
v.)	
)	Case No. 1:07-cv-00029
MIA CALCAGNI <i>et al.</i> ,)	
)	
<i>Defendants</i>)	

AFFIDAVIT OF BERNARD J. KUBETZ

Bernard J. Kubetz, being duly sworn, does hereby depose and state:

1. My name is Bernard J. Kubetz. I make this affidavit based on my personal knowledge.
2. I am a duly licensed Maine attorney and represent the Plaintiff Shana Sandler in connection with this lawsuit.
3. I noticed the deposition of Defendant Mia Calcagni for November 6, 2007 at my office in Bangor, Maine. The deposition was scheduled to be taken over a two-day block of time along with the depositions of her parents, Defendants Ralph and Maureen Calcagni, and Defendant Peter Mars.
4. A few days prior to the scheduled deposition of Defendant Mia Calcagni, her attorney contacted me to indicate that Ms. Calcagni had decided not to appear for her deposition. As a result, a telephone conference was held with the Magistrate Judge on November 2, 2007. At the conclusion of that conference, the Magistrate Judge indicated that if Ms. Calcagni chose not to appear for her scheduled deposition, the Court would entertain a motion to default Ms. Calcagni. A copy of the Report of Telephone Conference and Order is attached.

5. Defendant Mia Calcagni did not appear for her deposition scheduled on November 6, 2007. No objections, motions to quash, requests for protective order, or any other type of relief was sought at any time prior to Ms. Calcagni's deposition.

6. On September 9, 2004, Defendant Mia Calcagni was convicted of the Class D crime of criminal mischief as a result of painting swastikas on street signs on and about Route 41 in Winthrop, Maine, in the vicinity of Plaintiff's home.

7. On April 28, 2005, the Maine District court (Docket No. AUG-JV-04-006) sentenced Defendant Mia Calcagni to one-year probation, restitution and thirty days in jail with all but seven days suspended as a result of her conviction for the activities described above.

8. Defendant Mia Calcagni has fled the State of Maine to avoid serving the term of her seven-day jail sentence and, as a result, is now a fugitive from justice.

9. Since leaving the State of Maine, Defendant Mia Calcagni has lived in various places in and outside of the United States. Her parents testified at their depositions that she purposefully moves from place to place and, by agreement with them, avoids telling them where she is in order to avoid being apprehended and returned to Maine to serve her sentence.

Dated at Bangor, Maine, this 6th day of December, 2007.

/s/ Bernard J. Kubetz _____

Bernard J. Kubetz

STATE OF MAINE
PENOBSCOT, ss.

December 6, 2007

Personally appeared, the above-named Bernard J. Kubetz, and made oath that the statements made in the foregoing affidavit are true and accurate to the best of his personal knowledge and belief.

Before me,

/s/ Nicole Behr _____
Notary Public
My Commission Expires Dec. 10, 2009