SANDLER v. CALCAGNI et al Doc. 89

UNITED STATES DISTRICT COURT

	Distri	CT OF MAINE	
SHANA SANDLER,	Plaintiff	) ) ) )	
v.		)	Case No. 1:07-cv-00029
MIA CALCAGNI et al,		) ) )	
	Defendants	)	

## AFFIDAVIT OF BERNARD J. KUBETZ IN SUPPORT OF PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT

- I, Bernard J. Kubetz, being duly sworn, do hereby depose and say:
- 1. My name is Bernard J. Kubetz. I make this affidavit based on my personal knowledge. This affidavit is filed in support of Plaintiff's Motion for Partial Summary Judgment.
- 2. I am an attorney licensed to practice law in the State of Maine. I am counsel for Plaintiff Shana Sandler in this case.
- 3. In the course of discovery in this case, documents have been produced, depositions have been taken and exhibits have been marked at depositions.
  - 4. Attached to this affidavit are true and accurate copies of:
    - (a) Excerpts from the Deposition of David I. Symonds, taken on February 14, 2008 (attached hereto as *Exhibit 1*);

(b) Exhibit 2 to the Deposition of David I. Symonds, taken on February 14, 2008, Bates Numbered BS000494 – BS000502 (attached hereto as *Exhibit* 

*2*).

(c) Exhibit 3 to the Deposition of David I. Symonds, taken on February 14,

2008, Bates Numbered BS000001 – BS000007 (attached hereto as *Exhibit* 

*3*);

(d) Exhibit 4 to the Deposition of David I. Symonds, taken on February 14,

2008 (attached hereto as *Exhibit 4*);

(e) Affidavit of Shana Sandler, dated July 5, 2007 (attached hereto as Exhibit

5);

(f) Excerpts from the Deposition of Shana Sandler, taken on November 2,

2007 (attached hereto as *Exhibit 6*);

(g) Excerpts from "Help Us Get Mia," Bates Numbered BS000044 -

BS000083 (attached hereto as Exhibit 7).

Dated at Bangor, Maine, this 5<sup>th</sup> day of March, 2008.

/s/ Bernard J. Kubetz

Bernard J. Kubetz

STATE OF MAINE PENOBSCOT, ss.

March 5, 2008

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

Commission Expires Dec. 10, 2009