

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

SHANA SANDLER,

Plaintiff

v.

MIA CALCAGNI, *et al.*,

Defendants

Case No. 1:07-cv-00029

AFFIDAVIT OF BERNARD J. KUBETZ

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

1. My name is Bernard J. Kubetz. I make this affidavit based upon personal knowledge.

2. I am an attorney licensed to practice in the State of Maine. I am counsel for Plaintiff Shana Sandler in this case and file this affidavit in support of Plaintiff's Motion for Approval of Attachment.

3. In the course of the limited discovery provided in this case, Defendants Ralph Calcagni and Maureen Calcagni have produced affidavits describing their roles in the writing and publication of the book "*Help Us Get Mia.*" Attached to this affidavit are true and accurate copies of:

- a. Affidavit of Maureen Calcagni dated May 18, 2007 (attached hereto as Exhibit 1).
- b. Affidavit of Ralph Calcagni dated May 18, 2007 (attached hereto as Exhibit 2).

4. Defendant Ralph Calcagni has admitted to writing portions of the book, contracting with Defendant Booksurge, LLC for the publication and printing of the book, and communicating with Magazines, Inc. to seek distribution of the book. Defendant Ralph Calcagni has further admitted to reporting income from the sale and/or gift of approximately 457 copies of “*Help Us Get Mia.*”

5. Defendant Maureen Calcagni has stated in her affidavit that the author of the book is Peter Mars, that she provided Mr. Mars with volumes of records and names of persons having information about relevant topics, that she and her husband paid Mr. Mars \$3,000, and that Mr. Mars would receive royalties of either 5 or 10 percent, depending on the publisher.

6. Counsel for Defendants Ralph and Maureen Calcagni has represented to me that there is no insurance, bond, or any other security or attachment on trustee process available to satisfy any judgment against the Defendants Ralph and Maureen Calcagni in this action.

7. Defendants Ralph and Maureen Calcagni are the record owners of real property located on Norman Road in Winthrop, Kennebec County, Maine, being the same property described in the Deed from Ralph A. Calcagni to Ralph A. Calcagni and Maureen Calcagni, dated July 1, 1983, and recorded in the Kennebec County Registry of Deeds in Book 2583, Page 199, being further depicted in the Town of Winthrop Assessor’s Maps as Tax Map 5, Lot 063-A01.

8. Defendants Ralph Calcagni and Maureen Calcagni have listed for sale the property described in paragraph 5 above with Sprague & Curtis Real Estate. The listed sale price of the property is \$229,000. A copy of the property listing is attached hereto as Exhibit 3.

/s/ Bernard J. Kubetz
Bernard J. Kubetz

STATE OF MAINE
PENOBSCOT, ss.

July 16, 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/ Michael R. Clisham

Attorney at Law