

# Deininger & Associates LLP

Attorneys at Law

Christopher L. Deininger

Member New York & New Jersey

415 Route 10, Suite 1

Randolph, NJ 07869

Tel 973-879-1610

Fax 973-361-1241

deiningerlaw.com

chris@deiningerlaw.com

July 24, 2023

## **VIA PACER**

The Honorable Evelyn Padin, U.S. District Judge  
U.S. District Court, District of New Jersey  
50 Walnut Street  
Newark, New Jersey 07102

**RE: Michael Barisone v. Farm Family Casualty Ins. Co., et al.**  
Docket No. 2:23-cv-02571

*Plaintiff's Response to Defendants' July 21, 2023 Status Letter*

Your Honor:

I represent Michael Barisone ("Mr. Barisone") in the above-referenced matter. This letter is being filed in response to the defendants' status letter filed on Friday, July 21, 2023.

First regarding subject matter jurisdiction based upon diversity, in the last several days (following our conference call with the Court) I have reviewed enough billing documents to confirm that the matter in dispute, exclusive of interest, etc., is in excess of the \$75,000 jurisdictional floor. Therefore, plaintiff is withdrawing his pre-motion issue raising a question about subject matter jurisdiction.

Second, plaintiff is please that the counsel for Farm Family and American National is withdrawing its mental-competency issue.

Third, regarding the pre-motion exchange of documents, plaintiff will be providing the parties not only with the criminal ***Complaint – Warrant*** asserted against Mr. Barisone (which is, in my view, what the term "criminal complaint" means), but also the relevant pleadings from the civil case of Kanarek v. Barisone, as to which coverage and defense fees and costs are being sought

in this declaratory judgment matter (including the civil *Complaint*, the *Answer With Counterclaim*, and any amendments thereto).

Fourth, the proposed motion briefing schedule is acceptable to plaintiff.

Fifth, however, plaintiff is requesting that the parties proceed with their respective, full initial disclosures contemplated under the Fed. Civ. P. Rules and Local Rules, so that those materials are available in connection with the proposed motion to dismiss. Plaintiff proposes that those exchanges be made by August 21, 2023.

Very Truly Yours,  
**DEININGER & ASSOCIATES, LLP**

A handwritten signature in black ink, appearing to read 'C. L. Deininger', written over a horizontal line.

Christopher L. Deininger, Esq.

cc: All Counsel of Record (Via Pacer)