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November 3, 2022

VIA ECOURTS FILING

Hon. Louis S. Sceusi, J.S.C.

Superior Court of New Jersey, Morris County

Court & Washington Streets

P.O. Box 910

Morristown, New Jersey 07960-0910

RE: Lauren Kanarek v. Michael Barisone, et al.
Docket No. MRS-L-2250-19

MICHAEL BARISONE's Motion To Compel Discovery
From Kirby Kanarek.

Oral Argument: November 4, 2022

Dear Judge Sceusi:

Attached is an exhibit that I intend to use during oral argument tomorrow, for my motion to enforce my client's subpoena against Kirby Kanarek. It is a copy of the *Answer to Counterclaim* filed in this matter on behalf of Laurence Kanarek, filed in the electronic docket of this matter on April 20, 2020.

Respectfully,

DEININGER & ASSOCIATES, LLP



Christopher L. Deininger, Esq.

Enclosure

cc: Opposing Counsel through eCourts filing

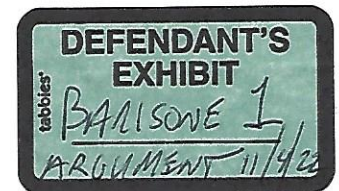
ANDREW L. O'CONNOR
NJ ID NO.: 043662000
NAGEL RICE, LLP
103 Eisenhower Parkway
Roseland, NJ 07068
973-618-0400
Attorneys for Plaintiff

<p>LAUREN KANAREK</p> <p style="text-align: right;">Plaintiff,</p> <p>v.</p> <p>MICHAEL BARISONE; SWEETGRASS FARMS, LLC; RUTH COX; JOHN DOES 1-30; ABC CORPORATIONS 1- 20,</p> <p style="text-align: right;">Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION-MORRIS COUNTY DOCKET NO.: MRS-L-2250-19</p> <p style="text-align: center;">CIVIL ACTION</p> <p style="text-align: center;">ANSWER AND AFFIRMATIVE DEFENSES TO DEFENDANT BARISONE'S COUNTERCLAIM</p>
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Plaintiff Lauren Kanarek, by way of answer against the Defendant Michael Barisone's Counterclaim, alleges and says:

FACTS COMMON TO ALL COUNTS

1. Upon information and belief, admitted.
2. Denied.
3. Denied.
4. Denied.
5. Denied.
6. Denied.
7. Denied.
8. Denied.
9. Denied.
10. Denied.
11. Denied.



12. Denied.

13. Denied.

14. Denied.

15. Denied.

16. Denied.

17. Denied.

COUNT ONE

(Negligent Infliction of Emotional Distress)

18. Plaintiff repeats the paragraphs stated above as though set forth at length herein.

19. Denied.

20. Denied.

21. Denied.

WHEREFORE, Plaintiff demands Defendant Barisone's Counterclaim be dismissed with prejudice, and that fees and costs be awarded Plaintiff.

COUNT TWO

(Intentional Infliction of Emotion Distress)

22. Plaintiff repeats the paragraphs stated above as though set forth at length herein.

23. Denied.

24. Denied.

25. Denied.

26. Denied.

27. Denied.

28. Denied.

29. Denied.

30. Denied.

31. Denied.

32. Denied.

WHEREFORE, Plaintiff demands Defendant Barisone's Counterclaim be dismissed with prejudice, and that fees and costs be awarded Plaintiff.

COUNT THREE
(Negligence)

33. Plaintiff repeats the paragraphs stated above as though set forth at length herein.

34. Denied.

35. Denied.

36. Denied.

37. Denied.

38. Denied.

39. Denied.

WHEREFORE, Plaintiff demands Defendant Barisone's Counterclaim be dismissed with prejudice, and that fees and costs be awarded Plaintiff.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The counterclaim fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Plaintiff breached no duty owed to Defendant.

THIRD AFFIRMATIVE DEFENSE

The Counterclaim seeks relief which is unconstitutional and must denied.

FOURTH AFFIRMATIVE DEFENSE

The Counterclaim is barred and/or reduced by the Comparative Negligence Statute.

FIFTH AFFIRMATIVE DEFENSE

The Counterclaim is barred by the doctrine of Wavier, Estopple, and the Entire Controversy Doctrine.

SIXTH AFFIRMATIVE DEFENSE

The Counterclaim is barred since Defendant failed to mitigate his damages.

SEVENTH AFFIRMATIVE DEFENSE

The Counterclaim is barred by the doctrine of unclean hands.

EIGHTH AFFIRMATIVE DEFENSE

The Counterclaim should be dismissed for failure to join an indispensable party.

NINTH AFFIRMATIVE DEFENSE

Any recovery by Defendant is barred by the fact that Plaintiff has not violated any law, statute or regulation.

TENTH AFFIRMATIVE DEFENSE

Any recovery by Defendant is barred by the doctrine of equitable estoppel.

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiff reserves the right to plead additional affirmative defenses upon the revelation of more definite facts in discovery.

TWELFTH AFFIRMATIVE DEFENSE

Any damage or loss sustained by Defendant was the result of the negligence of Defendant.

THIRTEENTH AFFIRMATIVE DEFENSE

Defendants is barred from recovery by reason of Defendant's wrongful acts.

FOURTEENTH AFFIRMATIVE DEFENSE

The Counterclaim is frivolous and in violation of New Jersey Court rules and statutes concerning the filing of frivolous pleadings. Plaintiff reserves the right to seek sanctions against Defendant at the appropriate time.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues herein.

DISCOVERY DEMAND

Plaintiff hereby demands answers to Form Interrogatories within the time prescribed by the New Jersey Court Rules.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, Bruce H. Nagel, Esq. is hereby designated as trial counsel for plaintiff in the within action.

NAGEL RICE, LLP
Attorneys for Plaintiffs

By: s/ Andrew L. O'Connor
ANDREW L. O'CONNOR

Dated: April 20, 2020