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October 12, 2022

VIA E-FILING AND E-MAIL

Hon. Louis S. Sceusi, J.S.C.
Morris County Superior Court
Washington & Court Streets
P.O. Box 910, 2nd Floor
Morristown, New Jersey 07963

RE: Lauren Kanarek v. Sweet Grass Farm, LLC, et al.
Docket No.: MRS-L-2250-19

Dear Judge Sceusi:

As you are aware, this firm represents Defendant, Sweet Grass Farm LLC (“SGF” or “Defendant”) with regard to the above-captioned matter.

We write to join in the Morris County Prosecutors Office’s (“MCPO”) request for entry of its 5-day Order and in response to Plaintiff’s October 12, 2022, letter objecting to same.

To be blunt, the discovery positions taken by Plaintiff in this latest letter are absurd, frivolous, and bordering on obstructionist. It cannot be understated that the position taken by Plaintiff in the current letter to the Court is diametrically opposite to the position taken by Plaintiff in her responses to interrogatories and document responses. In addition, Plaintiff’s current positions are untimely and have been waived.

First, SGF started this whole process by asking Plaintiff for the requested information now sought from the MCPO. Plaintiff did not object to any of the requests. Rather, Plaintiff did not produce them claiming she did not have the information in her possession. (See Lauren Kanarek’s responses to SGF’s Document Requests at #12, 17, 21 and 22 attached hereto as **Exhibit A**). For Plaintiff to now write to the Court and say, SGF “should serve discovery requests” is absurd. SGF did serve discovery requests! Plaintiff responded that she did not have the information and SGF moved on to obtain the information from other sources.

Second, to be clear, SGF already has copies of the documents it seeks to obtain from the MCPO. They are contained in the production of documents made by Defendant Barisone months ago (July 29, 2022). Barisone obtained the documents from the MCPO during the criminal trial and produced them to all parties. Again, at no point in time did Plaintiff, upon receipt of Barisone’s

production, object to the production of these materials (nor could she as there is no good faith basis to do so). All parties are entitled to a level playing field and access to the same information. Barisone's production accomplished that.

The only reason that SGF has made a request for the original materials from the MCPO is for chain of custody issues related to this vital evidence. SGF is preparing for a trial in this case and has no doubt that if it does not have the materials directly from the sources that retrieved the information, Plaintiff will make every attempt to challenge the authenticity of this damaging evidence. Make no mistake, contrary to Plaintiff's descriptions of the evidence sought, the texts of Lauren Kanarek and Robert Goodwin are a treasure trove of damaging admissions that establish that SGF is not liable to Plaintiff and that Plaintiff is at least 51% comparatively liable. A brief sampling of the texts in question can be found attached hereto at **Exhibit B**. (Highlights added for ease of reference.)¹ Also, as noted by the exhibit sticker on Page 1 of the text log, upon information and belief, the documents at issue were entered into evidence (or at least marked for identification) at the criminal trial.

Next, Plaintiff's argument regarding Robert Goodwin is equally hollow. First, to date, Nagel Rice has not advised anyone it represents Goodwin. Second, Plaintiff is fully aware that Goodwin is not currently within the state lines and, therefore, absent unnecessary expense and effort is not currently subject to New Jersey's subpoena powers. Conversely, the MCPO is right around the corner and is fully within this Court's subpoena powers.

It is axiomatic that the scope of discovery in New Jersey is broad in nature. The text logs in questions directly discuss the issues in this case. Some of Plaintiff's text messages were discussed during her criminal court testimony on the record. If Plaintiff wants to argue at trial that any singular text is not admissible, that is an argument for another day, but Plaintiff's current objection that SGF is not entitled to discover the information does not pass the "red face test", and any other objections to production have been long since waived.

Again, it appears that Plaintiff's entire discovery strategy can best be described as "obstruction" and "delay". Plaintiff refuses to be deposed in person (in a case she initiated) and is attempting to obstruct the collection of discoverable evidence. For all the foregoing reasons, the MCPO's Order should be entered.

SGF is available for oral argument should the Court wish to hear from the parties on this issue.

¹ Due to potential personal identifiers, SGF is filing a redacted version of this Exhibit on the public docket.



The Honorable Louis S. Scausi, J.S.C.

October 12, 2022

Page 3 of 3

We thank the Court for its attention to this matter.

Respectfully submitted,

SCHENCK PRICE SMITH & KING LLP

/s/ Mark K. Silver

Mark K. Silver

MKS/
Enc.

cc: All Counsel of Record (via e-filing)