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September 15, 2022

## VIA ECOURTS

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

Superior Court of New Jersey - Morris County

Morris County Courthouse, Washington & Court Streets

Morristown, New Jersey 07960

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

**Barisone Motion For Sanctions Against Non-Party Witness**  
**Return Date: September 23, 2022**

Your Honor:

I represent Michael Barisone, a defendant-counterclaim-plaintiff in the above-referenced matter. I am submitting this REPLY letter brief, in lieu of a formal one, in support of the Barisone motion compelling plaintiff's mother (non-party witness Kirby Kanarek) to appear and produced documents in response to a *subpoena duces tecum* I caused to be served back in July 2022.

## ARGUMENT

Kirby Kanarek has not voiced any objection to our application to compel her to produce the transcripts. She has filed no objection; raised no dispute; and given no explanation for her contempt when she failed to answer or appear in response to the subpoena.

The only objection seems to be coming from the plaintiff, through an attorney who does not represent Kirby Kanarek and/or Jonathan Kanarek (the other non-party witness who seemingly believes that he is above the law). But Plaintiff's objections – raised without any supporting evidence – ring hollow. For example, the factual basis of Barisone's counterclaim against Lauren Kanarek expressly includes the unlawful bugging of Sweet Grass Farm, and tortious taunting of Barisone with information taken from his private conversations. See Counterclaim at paragraphs 9 through 12, **Exhibit G** to the Deininger Reply Certification. As a matter of law, therefore, Barisone's discovery requests for the transcripts of those bugged audio recording is not a "fishing expedition." Barisone has a right to that discovery so that he can gather evidence of his case against Lauren Kanarek.

On countless occasions since August 2019, Kirby Kanarek has stated publicly that she had *herself* prepared written transcript of the illegal audio records her family made at Sweet Grass Farm in 2019. See Deininger Reply Certification, **Exhibit A** through **Exhibit F**. She has stated repeatedly as well that she has professional-prepared transcripts of those recordings. Id. Not surprising, excerpts from such transcripts show up whenever the Kanareks need or want that information to become public, including a release to make a complaint against Barisone to *SafeSport*, and releases to "win" some arguments with people in Internet chat groups like *Chronical of the Horse*. Id.

The audio recordings (and, therefore, the transcripts of those recordings) were made illegally at Sweet Grass Farm, by audio listening devices planted in private (i.e. non-public) living quarters. The recordings (and, therefore, the transcripts) are a fertile area for information relevant to the parties' claims and counterclaims, as well as information reasonably calculated to lead to the discovery of admissible evidence. There can be no claim of "privilege," "irrelevance,"

“burden,” or other excuse for non-production. Kirby Kanarek has repeatedly admitted the documents exist, that she personally prepared some of the documents, and that she has reviewed the documents.

Kirby Kanarek is in contempt of my subpoena. She had never responded to it; has never produced any records in response to it; and, instead, has ignored it intentionally. She acts as though she is above the law, when she is not.

Accordingly, we are respectfully requesting that Kirby Kanarek be compelled to produce the transcripts – all of them. And to the extent she may incredibly assert words to the effect of “I don’t have any transcripts,” Mr. Barisone is respectfully requesting a 104 Hearing in which Kirby Kanarek can be placed under oath and be cross examined about the existence, location, and her access to transcripts, her knowledge of the relevant audio records, and her use of a the laptop or other devices to listen to the recordings and make transcripts of them.

**CONCLUSION**

For the forgoing reasons, the defendant-counterclaim plaintiff BARISONE is requesting that his motion be granted in all respects.

Submitted Respectfully,

**DEININGER & ASSOCIATES, LLP**



Christopher L. Deininger, Esq.

cc: All counsel of record



01013

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*Attorneys for Barisone*

<b>LAUREN KANAREK,</b>	:	<b>SUPERIOR COURT OF NEW</b>
	:	<b>JERSEY LAW DIVISION – MORRIS</b>
<i>Plaintiff,</i>	:	<b>COUNTY</b>
<b>v.</b>	:	
	:	
<b>MICHAEL BARISONE; SWEETGRASS</b>	:	
<b>FARMS, LLC; RUTH COX; JOHN</b>	:	<b>DOCKET NO.: MRS-L-2250-19</b>
<b>DOES 1-30; ABC CORPORATIONS 1-</b>	:	
<b>20,</b>	:	
	:	
<i>Defendants,</i>	:	
	:	

**REPLY CERTIFICATION OF CHRISTOPHER L. DEININGER, ESQ.,  
IN SUPPORT OF BARISONE’S MOTION AGAINST KIRBY KANAREK**

CHRISTOPHER L. DEININGER, ESQ., of full age, hereby certifies and says the following under penalty of perjury:

1. I am an attorney at law duly admitted in the State of New Jersey, and counsel in the above-captioned matter for defendant-counterclaim-plaintiff MICHAEL BARISONE (“Barisone”).

1. I am making this REPLY certification in support of the Barisone motion for relief against non-party witness KIRBY KANAREK, plaintiff’s mother. The statements I make herein are based upon my personal knowledge, unless noted otherwise.

2. By way of subpoena *duces tecum*, we are seeking to compel Kirby Kanarek to produce the transcripts she has professed publicly to have, documenting the contents of illegal audio recordings made surreptitiously on the premises of 411 W. Mill Road, Long Valley, New Jersey (“Sweet Grass Farm”), while Barisone was staying there in 2019.

3. Annexed hereto as **Exhibit A** is a true and correct, redacted excerpt of Lauren Kanarek's complaint to SafeSport against Mr. Barisone.

4. My understanding and belief is that the SafeSport complaint (and, in particular, the annexed, redacted, type-written *Summary For SafeSport*) was prepared by plaintiff's father and mother, Jonathan and Kirby Kanarek.

5. At the bottom of "Page 4 of 4" of that type-written *Summary For SafeSport*, let me direct the Court's attention to footnote "2" which sets forth what purports to be a transcription of one of the illegal audio recordings made by the Kanarek family. See **Exhibit A**, at "Page 4 of 4."

6. Annexed hereto as **Exhibit B** is a true and accurate, redacted message exchange from the "Moderator" of the Internet website "Chronical of the Horse," where plaintiff Lauren Kanarek and her mother and father regularly posted messages in discussions being held online.

7. Therein, the "Moderator" has confirmed in writing that the account named "Seeker1" is "registered to Kirby Kanarek[,] plaintiff's mother. See **Exhibit B**.

8. Annexed hereto as **Exhibit C** is a true and accurate, redacted discussion exchange occurring on or about May 11, 2022, in which "Seeker1" (i.e., plaintiff's mother Kirby Kanarek) stated that "I transcribed the tapes myself," referencing the illegal audio recordings made by the Kanarek family.

9. Annexed hereto as **Exhibit D** is a true and accurate, redacted discussion exchange occurring on or about May 22, 2022, in which "Seeker1" (i.e., plaintiff's mother Kirby Kanarek) stated that "They heard the tapes and read the transcripts themselves."

10. Annexed hereto as **Exhibit E** is a true and accurate, redacted discussion exchange occurring on or about June 23, 2022, in which "Seeker1" (i.e., plaintiff's mother Kirby Kanarek)

made the following statement regarding the transcripts she has from the illegally made audio recordings:

I am not at liberty to post the contents of the tapes at this time, but as I have said many times ***I listened to and transcribed them***. They [i.e. the illegal recordings] were ***also transcribed by formal professional people*** and turned over to the prosecutor but I did hear them pretty clearly.

See **Exhibit E** (emphasis supplied).

11. Annexed hereto as **Exhibit F** are true and accurate, redacted copies of two discussions plaintiff Lauren Kanarek had, in which plaintiff as well confirms that she and her family have “transcriptions” of the illegal audio recordings, and that her family “plan[ed] to send each transcribed audio to the state psych ward [i.e. the Ann Klein Center]” where Mr. Barisone is being held.

12. Annexed hereto as **Exhibit G** is a true and accurate copy of Mr. Barisone’s *Answer With Counterclaim* filed in this action (the “Counterclaim”). In the Counterclaim – specifically at paragraphs 9 through 12 – allegation about the Kanareks’ unlawfully audio recording of Barisone’s private conversations was incorporated expressly into the claims of the Counterclaim:

9. At all times relevant hereto, Kanarek’s purpose was to cause injury, pain, distress, and upset of a severe and significant nature.

10. At all times relevant hereto, Kanarek’s acts, actions and omissions were perpetrated maliciously, intentionally, recklessly and/or negligently.

11. At all times relevant hereto, Kanarek’s wrongful acts, actions, and omissions included, for example, making false accusation of child abuse, false accusations of animal abuse, false accusation of insurance fraud, false reports to agencies providing child-protective-services, and other falsehoods through which her intention was to cause harm.

12. For example, ***Kanarek harassed Barisone by utilizing technology to “bug” (i.e., unlawfully eves drop) upon private conversation Barisone was having; and/or, alternatively, harassed Barisone for purposes of causing him severe and significant emotional distress by claiming that she had unlawful eves-dropping of Barisone’s***

*residence and/or business for purposes of stalking him and Barisone Family members.*

See Counterclaim, at paragraphs 9-12, **Exhibit G** hereto (emphasis supplied).

13. Plaintiff responded to those allegations in the Counterclaim by denying them, making the bugging and harassment Kanarek caused through that a material factual matter in the case.

14. Based upon those allegations, Barisone believes that discovery of Kirby Kanarek's transcripts is appropriate and is anything but a "fishing expedition", because the recordings and transcripts relate directly as evidence and will likely lead to discovery of additional evidence.

15. Based upon the foregoing, it is Barisone's position that KIRBY KANAREK is in possession, custody and/or control of transcripts and/or transcriptions of the illegal audio recordings her family made at Sweet Grass Farm, the farm where the shooting occurred.

16. Based on the foregoing, it is Barisone's position that KIRBY KANAREK is in contempt of the SUBPOENA DUCE TECUM, based upon her intentional failure and refusal to produce those transcripts and transcriptions.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.



---

CHRISTOPHER L. DEININGER, ESQ.

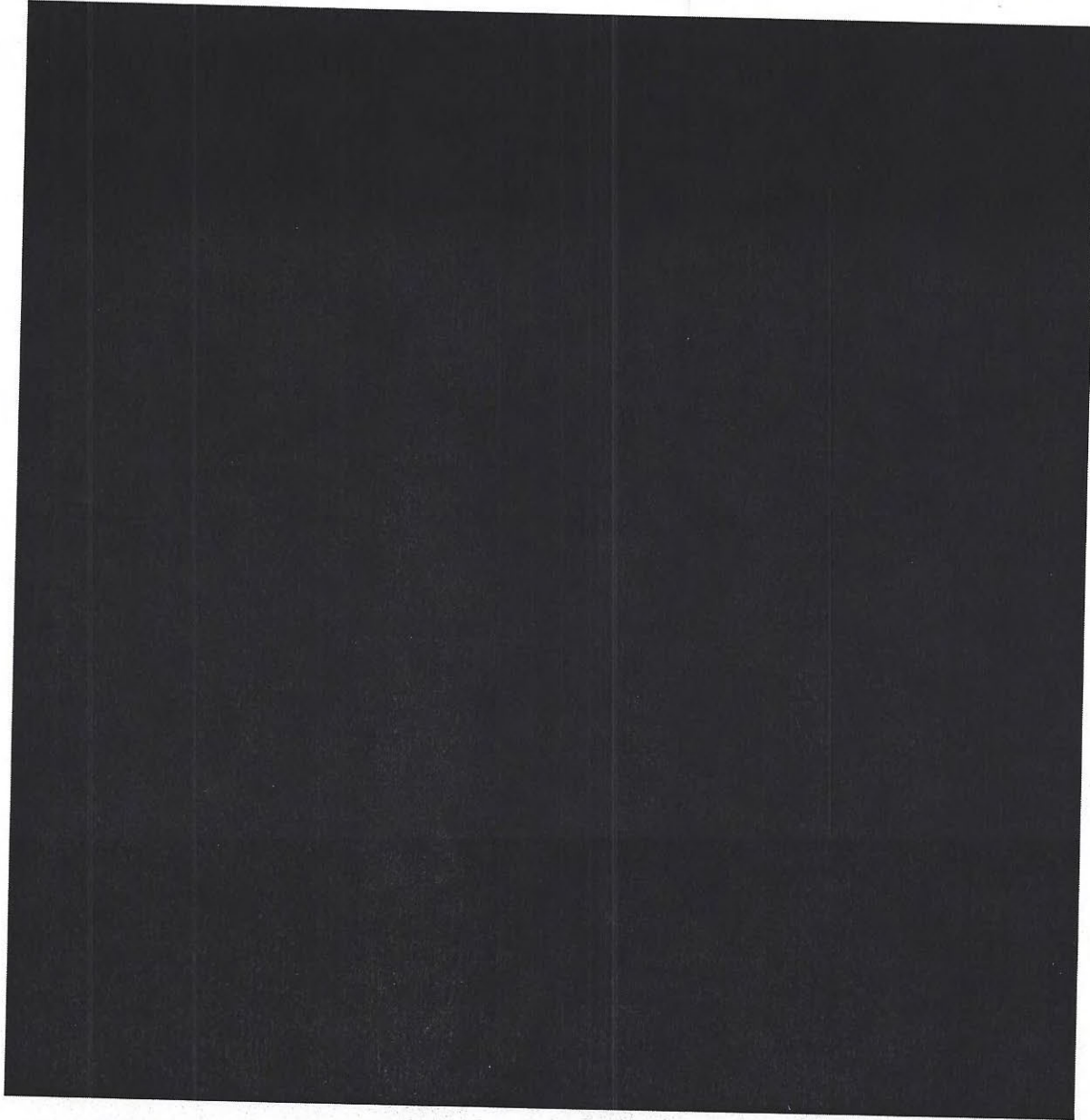
Dated: September 14, 2022



**EXHIBIT A**

**SUMMARY FOR SAFESPORT**  
December 1, 2020

**INTRODUCTION**



**BACKGROUND**

Lauren met Barisone, a world-famous Dressage trainer, during the Winter 2018 Equestrian season in Wellington, Florida. [REDACTED]

**SUMMARY FOR SAFESPORT**  
December 1, 2020

[REDACTED]

[REDACTED]

[REDACTED]

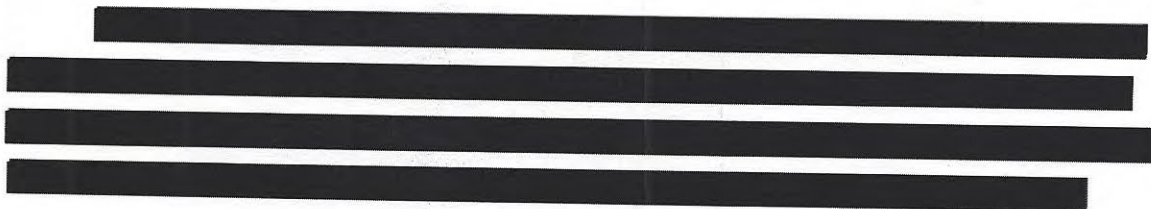
**SUMMARY FOR SAFESPORT**

December 1, 2020



While the criminal case against Barisone for the attempted murder of Lauren and Rob on August 7, 2019 is pending, and the owner of the gun used by Barisone – a woman who was also MHG’s business partner – has been charged with a felony, audio taken at the barn in early August (prior to the shooting) reveals that [REDACTED]. For example, Barisone and MHG discuss:

- [REDACTED] (Audio at 5:08 – 7:30);
- [REDACTED] (Audio at 15:55 – 16:37; 22:03 – 25:20<sup>1</sup>)
- [REDACTED] (Audio at 22:03 – 23:38)
- [REDACTED] (Audio at 26:20 – 28:14)



<sup>1</sup> Note that *twice* during this excerpt, MHG says, “I will fucking kill her.”

**SUMMARY FOR SAFESPORT**

December 1, 2020

[REDACTED] This plan was clearly laid out and captured by the  
Audio in early August 2019.<sup>2</sup> [REDACTED]  
[REDACTED]  
[REDACTED]



<sup>2</sup> Audio at 26:20 – 28:14:

MHG: I wanna get her banned from USEF, I feel like that's the biggest

MB: We're, we're. I'm gonna. I'm dealing with this! ...

MHG: She needs to get banned from USEF. That will be the biggest thing. I'm gonna get her [REDACTED]  
with USEF.

MB: Then you need to pick up the phone tomorrow and call Murray Kessler and you need to say, what you  
say is, "Michael Barisone, my boyfriend and partner, called you 4 or 5 days ago and "[REDACTED]  
[REDACTED]

MHG: I think everyone here on this farm needs to file a complaint with USEF? ... Will you all do that?

MB: It's a SafeSport thing. For bullying.

MHG: If everyone here files a complaint ...

MB: Nobody can give a lifetime ban in the horse sports except SafeSport! That's it! ...

MHG: If everyone here plus the list I have all complaint about her. ...

MB: And we have to think about how Steven said to me, and you have to, have to also, think about how  
[REDACTED] W [REDACTED]

MHG: Oh I just thought of an idea today. ...

MHG: You know what's the most important thing to her? Horses. You gonna get her tomorrow!

**EXHIBIT B**



Moderator\_1 Administrator

18m

**REDACTED**

**REDACTED**

**REDACTED**

**REDACTED**

**REDACTED**

**REDACTED**

For the record, since she chose to repeatedly publicly divulge the information herself here and it continues to be the subject of debate, we can confirm that the Seeker1 account is registered to Kirby Kanarek.

**REDACTED**

**REDACTED**

**REDACTED**

r

12 V [unclear] reply

**EXHIBIT C**



9/14/22, 10:06 AM

942238B0-CEE2-493E-A395-414CCC264587.png

1:25 PM Wed May 11

forum.chronofhorse.com

36%

MENU

# Barisone Aftermath: Not Guilty By Reason of Insa...

Dressage



Reply



Knights\_Mom Sage



Seeker1:

If you taped someone plotting your murder you might get a little nasty.

I don't believe that happened but thanks for the admission of a criminal act.



Seeker1

I transcribed the tapes myself.



Knights\_Mom Sage

240 /

247

May 11

3m ago



Reply



Seeker1

You are an irrational person who will only believe what you want to believe... I accept that and pray for you.

6m



Reply

R	R	R	R	R	R	R	R
E	E	E	E	E	E	E	E
D	D	D	D	D	D	D	D
A	A	A	A	A	A	A	A
C	C	C	C	C	C	C	C
T	T	T	T	T	T	T	T
E	E	E	E	E	E	E	E
D	D	D	D	D	D	D	D

**EXHIBIT D**

9/14/22, 10:07 AM

C55CF7BB-9811-4DF8-BC24-BED14447B13F.png

7:07 PM Sun May 22

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49%

MENU

# Barisone Safe Sport Update

Dressage



1 Reply



Reply

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED



Seeker1

29m

Didn't you ever wonder why everyone all of a sudden everyone admitted that Michael did it? That is why. They heard the tapes and read the transcripts themselves...

[REDACTED]

3 Replies



Reply

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

**EXHIBIT E**

9/14/22, 10:07 AM

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7:56 PM Thu Jun 23

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58%

MENU

# Barisone assessment

R	R	R	R	R	R	R	R	R
E	E	E	E	E	E	E	E	E
D	D	D	D	D	D	D	D	D
A	A	A	A	A	A	A	A	A
C	C	C	C	C	C	C	C	C
T	T	T	T	T	T	T	T	T
E	E	E	E	E	E	E	E	E
D	D	D	D	D	D	D	D	D



Seeker1



Knights\_Mom

5m

I am not at liberty to post the contents of the tapes at this time, but as I have said many times I listened and transcribed them. They were also transcribed by formal professional people and turned over to the prosecutor but I did hear them pretty clearly.

1 Reply

Reply



trubandloki Schoolmaster

4m



Seeker1:

[Redacted text]

**EXHIBIT F**

December 18, 2021

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

1 Reply

Reply



La-LaPopRider Halfway Bronzed

1h

Scribbler:

You might even find a bunch of them were inaudible

Nothing we have is "inaudible." Everything we have has transcripts with exact time stamps. Our own, a few separate expert forensic transcriptions- which, with complete neutrality, match the others. There are originals of everything plus, numerous copies which (a select few) have removed and/or separated voices so that each person's voice is distinct in that which the specific person speaking is suggesting. Anything which can be heard with a "naked ear," from somewhere within the area which "anyone walking by, through, or around" could reasonably be expected to overhear.

[Redacted line]

[Redacted line] No transcriptions needed.... though they do exist.

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

9/14/22, 10:06 AM

088D10D1-607B-4117-997F-C70493FBFE61.jpeg

3:09 AM Fri May 13

100%

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# KEISER UNIVERSITY COLLEGE of NURSING

HAPPY NATIONAL NURSES MONTH

NURSES  
*make a*  
DIFFERENCE

Ad · 1 of 2 · 0:29

Replies

Pt.1



Lauren Kanarek · 6h ago

		R	R	R	R	R
		E	E	E	E	E
D	D	D	D	D	D	D
A	A	A	A	A	A	A
C	C	C	C	C	C	C
T	T	T	T	T	T	T
E	E	E	E	E	E	E
D	D	D	D	D	D	D

... We do plan to send each transcribed audio to the state psych ward. ... reason 4 people weren't charged with "

REDACTED

REDACTED

REDACTED

https://m:

REDACTED

REDACTED

REDACTED



**EXHIBIT G**

01013

**Christopher L. Deininger, Esq., N.J. Bar ID No. 004271996**  
**DEININGER & ASSOCIATES, LLP**  
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(973) 879-1610; Fax (973) 361-1241  
*Attorneys for Defendant Michael Barisone*

**LAUREN KANAREK,**  
  
*Plaintiff,*  
  
v.  
  
**MICHAEL BARISONE; SWEETGRASS  
FARMS, LLC; RUTH COX; JOHN  
DOES 1-30; ABC CORPORATIONS 1-  
20,**  
  
*Defendants,*

**SUPERIOR COURT OF NEW  
JERSEY LAW DIVISION – MORRIS  
COUNTY**

**DOCKET NO.: MRS-L-2250-19**

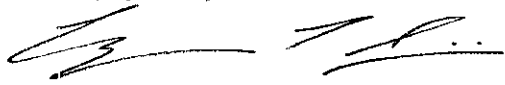
**STIPULATION EXTENDING TIME TO ANSWER OR APPEAR**

**IT IS STIPULATED AND AGREED** by Plaintiff Lauren Kanarek and defendant Michael Barisone, both through counsel, that Mr. Barisone’s time to Answer or otherwise make his appearance in the above-captioned action, in response to the Complaint, shall be and hereby is extended through Monday, March 2, 2020.

Dated: January 20, 2020

**DEININGER & ASSOCIATES, LLP**  
*Attorneys for Defendant Barisone*

**NAGEL RICE, LLP**  
*Attorneys for Plaintiff*



By: \_\_\_\_\_  
Christopher L. Deininger, Esq.

By: \_\_\_\_\_

01013

**Christopher L. Deininger, Esq., N.J. Bar ID No. 004271996**  
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**Randolph, New Jersey 07869**  
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*Attorneys for Barisone*

<b>LAUREN KANAREK,</b>	:	<b>SUPERIOR COURT OF NEW</b>
	:	<b>JERSEY LAW DIVISION – MORRIS</b>
<i>Plaintiff,</i>	:	<b>COUNTY</b>
<b>v.</b>	:	
	:	
<b>MICHAEL BARISONE; SWEETGRASS</b>	:	
<b>FARMS, LLC; RUTH COX; JOHN</b>	:	<b>DOCKET NO.: MRS-L-2250-19</b>
<b>DOES 1-30; ABC CORPORATIONS 1-</b>	:	
<b>20,</b>	:	
	:	
<i>Defendants,</i>	:	

**ANSWER OF DEFENDANT MICHAEL BARISONE, WITH AFFIRMATIVE DEFENSES, COUNTERCLAIM, CROSS-CLAIMS, JURY DEMAND, ETC.**

MICHAEL BARISONE (“Barisone”), through his attorneys, Deininger & Associates, LLP, for his Answer to the Complaint, says the following:

**FACTS COMMON TO ALL COUNTS**

1. Admitted.
2. Barisone is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and leaves plaintiff to her proofs.
3. Admitted.
4. Denied.
5. Denied.
6. Denied.
7. Denied.
8. Admitted.

9. Barisone is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and leaves plaintiff to her proofs.

10. Barisone is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and leaves plaintiff to her proofs.

11. Barisone is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and leaves plaintiff to her proofs.

**COUNT ONE**

**(Strict Liability)**

12. Barisone repeats and realleges each of his prior responses as though set forth at length herein.

13. Barisone admits that he resided at the farm and was operating his business there; but otherwise denies the allegations which include legal conclusions as to which no responses is required.

14. Barisone admits that he resided at the farm and was operating his business there; but otherwise denies the allegations which include legal conclusions as to which no responses is required.

15. Denied.

16. Denied.

**WHEREFORE**, MICHAEL BARISONE demands judgement in his favor, and against PLAINTIFF LAUREN KANAREK, dismissing her claims with prejudice, and awarding MICHAEL BARISONE such other relief as may be just and proper.

**COUNT TWO**

**(Negligence)**

17. Barisone repeats and realleges each of his prior responses as though set forth at length herein.

18. Barisone admits that he resided at the farm and was operating his business there; but otherwise denies the allegations which include legal conclusions as to which no responses is required.

19. Barisone admits that he resided at the farm and was operating his business there; but otherwise denies the allegations which include legal conclusions as to which no responses is required.

20. Denied.

21. Denied.

22. Denied.

**WHEREFORE**, MICHAEL BARISONE demands judgement in his favor, and against PLAINTIFF LAUREN KANAREK, dismissing her claims with prejudice, and awarding MICHAEL BARISONE such other relief as may be just and proper.

**COUNT THREE**

**(Negligence as to Barisone)**

23. Barisone repeats and realleges each of his prior responses as though set forth at length herein.

24. Denied.

25. Denied.

**WHEREFORE**, MICHAEL BARISONE demands judgement in his favor, and against PLAINTIFF LAUREN KANAREK, dismissing her claims with prejudice, and awarding MICHAEL BARISONE such other relief as may be just and proper.

**COUNT FOUR**

**(Assault and Battery as to Barisone)**

26. Barisone repeats and realleges each of his prior responses as though set forth at length herein.

27. Denied.

28. Denied.

**WHEREFORE**, MICHAEL BARISONE demands judgement in his favor, and against PLAINTIFF LAUREN KANAREK, dismissing her claims with prejudice, and awarding MICHAEL BARISONE such other relief as may be just and proper.

**COUNT FIVE**

**(Negligence as to Ruth Cox, Etc.)**

29. Barisone repeats and realleges each of his prior responses as though set forth at length herein.

30. The allegations in the paragraph do not pertain to Barisone and, therefore, no response is required. Otherwise, denied.

31. The allegations in the paragraph do not pertain to Barisone and, therefore, no response is required. Otherwise, denied.

32. The allegations in the paragraph do not pertain to Barisone and, therefore, no response is required. Otherwise, denied.

33. The allegations in the paragraph do not pertain to Barisone and, therefore, no response is required. Otherwise, denied.

**WHEREFORE**, MICHAEL BARISONE demands judgement in his favor, and against PLAINTIFF LAUREN KANAREK, dismissing her claims with prejudice, and awarding MICHAEL BARISONE such other relief as may be just and proper.

**COUNT SIX**

**(Negligent Infliction of Emotional Distress)**

34. Barisone repeats and realleges each of his prior responses as though set forth at length herein.

35. Denied.

36. Denied.

37. Denied.

38. Denied.

39. Denied.

**WHEREFORE**, MICHAEL BARISONE demands judgement in his favor, and against PLAINTIFF LAUREN KANAREK, dismissing her claims with prejudice, and awarding MICHAEL BARISONE such other relief as may be just and proper.

**COUNT SEVEN**

**(Intentional Infliction of Emotional Distress)**

40. Barisone repeats and realleges each of his prior responses as though set forth at length herein.

41. Denied.

42. Denied.

43. Denied.

44. Denied.

45. Denied.

46. Denied.

**WHEREFORE**, MICHAEL BARISONE demands judgement in his favor, and against PLAINTIFF LAUREN KANAREK, dismissing her claims with prejudice, and awarding MICHAEL BARISONE such other relief as may be just and proper.

**COUNT EIGHT**

**(Punitive Damages)**

47. Barisone repeats and realleges each of his prior responses as though set forth at length herein.

48. Denied.

49. Denied.

**WHEREFORE**, MICHAEL BARISONE demands judgement in his favor, and against PLAINTIFF LAUREN KANAREK, dismissing her claims with prejudice, and awarding MICHAEL BARISONE such other relief as may be just and proper.



**COUNT NINE**

*[Not Labeled]*

50. Barisone repeats and realleges each of his prior responses as though set forth at length herein.

51. The allegations in the paragraph do not pertain to Barisone and, therefore, no response is required. Otherwise, denied.

52. The allegations in the paragraph do not pertain to Barisone and, therefore, no response is required. Otherwise, denied.

**WHEREFORE**, MICHAEL BARISONE demands judgement in his favor, and against PLAINTIFF LAUREN KANAREK, dismissing her claims with prejudice, and awarding MICHAEL BARISONE such other relief as may be just and proper.

**SEPARATE DEFENSES**

**FIRST SEPARATE DEFENSE**

The Complaint fails to state claims and/or causes of action upon which relief could be granted.

**SECOND SEPARATE DEFENSE**

Defendant was not competent at the time of the alleged incident and, as a result, should have no liability to Plaintiff for her injuries, by reason of Barisone's mental state and/or condition which included but was not limited to battered-person-syndrome cause by Plaintiff's campaign of emotional battery against Defendant and/or persons in his care.

**THIRD SEPARATE DEFENSE**

Alternatively, Plaintiff's claims and/or prayers for relief are barred by application of principles of self-defense and defense of others, including adults, teenagers, children and/or horses using the farm.

**FOURTH SEPARATE DEFENSE**

Injuries and damages sustained by the Plaintiff are the result, in whole and/or material part, of the Plaintiff's own acts and omissions, including but not limited Plaintiff's acts and omission which constituted the root cause of an alleged injury, and/or Plaintiff's negligent, reckless, and/or intentional failure to avoid injuries she sustained.

**FIFTH SEPARATE DEFENSE**

Plaintiff's claims are barred by her own intervening intentional, reckless, malicious, and/or negligent acts, actions and/or omissions.

**SIXTH SEPARATE DEFENSE**

Plaintiff's claims and damages are barred, and/or must be reduced, by application of principles of comparative negligence and/or comparative fault, including but not limited to the law as expressed under the New Jersey Comparative Negligence Act.

**SEVENTH SEPARATE DEFENSE**

In the event that it is determined that this Defendant has liability to Plaintiff for her injuries and/or damages (which liability is denied), this Defendant is entitled to a credit, set off, and/or other reduction with respect to any and all collateral source payments Plaintiff received as a result of the incident(s), in accordance with N.J.S.A. § 2A:15-97.

**EIGHTH SEPARATE DEFENSE**

Plaintiff's claims are barred by application of the legal doctrines and principles, including but not limited to the estoppel, release, waiver, and/or binding admissions against interest.

**NINTH SEPARATE DEFENSE**

Plaintiff's alleged injuries and damages are the result of the acts and omissions of persons or entities other than the Defendant, including but not limited to acts and omissions by Plaintiff and/or third-party persons or entities over which Defendant had no control.

**TENTH SEPARATE DEFENSE**

Plaintiff's claims are barred, in whole or in part, by Plaintiff's negligence, neglect, and/or failure to act reasonably, timely, and/or appropriately.

**ELEVENTH SEPARATE DEFENSE**

Plaintiff's claimed injuries and damages, in whole or in part, are the direct and proximate result and consequence of Plaintiff's unreasonable failure to take advantage of preventative or corrective opportunities; her unreasonable failure to avoid harm; and/or her unreasonable failure to mitigate injury and damages.

**TWELFTH SEPARATE DEFENSE**

All or some of Plaintiff's claims are barred because the Defendant owed no duty to Plaintiffs, and/or because the Defendant was excused from such duties based upon Plaintiff's acts and omissions.

**THIRTEENTH SEPARATE DEFENSE**

Any duty owed to the Plaintiff by the Defendant was discharged and/or excused.

**FOURTEENTH SEPARATE DEFENSE**

Plaintiffs' alleged injuries and damages were not proximately caused by any act or

omission of the Defendant.

**FIFTEENTH SEPARATE DEFENSE**

Plaintiffs' claims are barred and/or any recovery must be reduced, based upon the doctrines of offset, recoupment, and/or Plaintiffs' duties to the Defendant.

**SIXTEENTH SEPARATE DEFENSE**

Plaintiff assumed the risk of conduct for the incident out of which this Complaint has arisen.

**SEVENTEENTH SEPARATE DEFENSE**

Plaintiff was unlawfully at the premises where the incident occurred, making unlawful use of it at the time the incident occurred, and therefore should be barred from recovery.

**EIGHTEENTH SEPARATE DEFENSE**

Defendant reserves the right to amend this answer to assert additional separate defenses and/or modify or withdraw those already asserted.

**WHEREFORE**, MICHAEL BARISONE demands judgement in his favor, and against PLAINTIFF LAUREN KANAREK, dismissing her claims with prejudice, and awarding MICHAEL BARISONE such other relief as may be just and proper.

**DEININGER & ASSOCIATES, LLP**

*Attorneys for Barisone*



By: \_\_\_\_\_

Christopher L. Deininger, Esq.

Dated: February 29, 2020

**ANSWER TO CROSSCLAIMS**

MICHAEL BARISONE, by and through his attorneys Deininger & Associates, LLP, as and for his answer to any and all crossclaims asserted against him, states as follows:

1. Defendant denies all cross claims, including but not limited to all crossclaims for contribution and indemnification, that have been or will be asserted against him.

2. Defendant incorporates all of his separate defenses to the complaint as separate and affirmative defenses to all crossclaims that have been or will be asserted against him.

**WHEREFORE**, MICHAEL BARISONE demands judgement in his favor, and against any and all CROSS-CLAIM PLAINTIFFS, dismissing their claims with prejudice, and awarding MICHAEL BARISONE such other relief as may be just and proper.

**DEININGER & ASSOCIATES, LLP**  
*Attorneys for Barisone*



By: \_\_\_\_\_  
Christopher L. Deininger, Esq.

Dated: February 29, 2020

**CROSSCLAIMS FOR CONTRIBUTION & INDEMNIFICATION**

1. MICHAEL BARISONE hereby makes a claim for contribution pursuant to the Joint Tortfeasors Contribution Law, N.J.S.A. 2A:53-1 et seq., against any and all co-defendants. Alternatively, MICHAEL BARISONE contends that in the event that proofs develop in discovery or at trial to establish a basis for liability on the part of any other defendant, and such defendant or defendants enter into a settlement agreement, in whole or in part with plaintiff, then MICHAEL

BARISONE asserts a claim for credit reducing the amount of any judgment in favor of Plaintiff against him to reflect the degree of fault to the settling defendants pursuant to Young v. Latta, 123, N.J. 584(1991).

2. Without admitting any liability herein, MICHAEL BARISONE claims complete common law and contractual indemnification from all co-defendants.

**WHEREFORE**, MICHAEL BARISONE demands judgement in his favor, and against any and all co-defendants, jointly and severally, and awarding him damages for contribution and/or indemnification, including but not limited to attorney’s fees, litigation expenses, and costs of suit, and awarding him such other relief as may be just and proper.

**DEININGER & ASSOCIATES, LLP**  
*Attorneys for Barisone*



By: \_\_\_\_\_  
Christopher L. Deininger, Esq.

Dated: February 29, 2020

**COUNTERCLAIM AGAINST PLAINTIFF**

Defendant MICHAEL BARISONE (“Barisone”), by and through his attorneys, Deininger & Associates, LLP., as and for his Counterclaim against plaintiff LAUREN KANAREK (“Kanarek”), says as follow:

**FACTS COMMON TO ALL COUNTS**

1. At all times relevant hereto, Barisone was and remains a resident of Morris County, New Jersey.

2. Upon information and belief, Kanarek is not a resident of Morris County, New Jersey but, rather, lives a transient lifestyle in which she resides in many locations including, but not limited to, from time to time, Morris County, New Jersey.

3. Kanarek has a criminal history which, upon information and belief, includes a charge and/or conviction for criminal assault.

4. Kanarek has a history of illegal drug use including, upon information and belief, heroin.

5. Kanarek has a history of tortious and/or criminal, antisocial behavior, including but not limited to stalking; bullying; threats of harm, injury, and mayhem against persons she chooses to target; threats against public figures; gaslighting; fraud; false reports; and other behaviors which are harmful, injurious, and destructive to the people she victimizes.

6. Upon information and belief, there is a dozen or more families, persons and businesses in the United States who were victimized by Kanarek through abuse, stalking, crime, and/or other forms of serious abuse, prior to August 2019 when Kanarek turned her sights upon Barisone.

7. At all times relevant hereto, Kanarek was and remains a significant user of various forms of social media including Facebook through which, upon information and belief, Kanarek has more than 10,000 Facebook "Friends," messenger communication contacts, chats, and like online activities (collective, whether on Facebook and/or other platforms, "Facebook").

8. For purposes of causing personal injury to Barisone, his business, injury to his good name and reputation, and/or injury to the like interests of Barisone's girlfriend and other people close to Barisone (collectively, the "Barisone Family"), Kanarek perpetrated a campaign against Barisone and the Barisone Family, which included, without limitation, Kanarek's utilization of Facebook to publish, promote, and disseminate statements, accusations, and falsehoods that were explicitly

threatening; explicitly and/or implicitly threatening injury and violence; causing the subject to be stalked; causing the subject to be bullied; harmful; deceptive; deceitful; false; causing the subject serious and severe emotional pain and distress; harming the subject's good name and/or reputation; causing the subject to be "destroyed"; harming the subject's family and friends; and/or that otherwise were grossly inappropriate, harmful, and/or injurious.

9. At all times relevant hereto, Kanarek's purpose was to cause injury, pain, distress, and upset of a severe and significant nature.

10. At all times relevant hereto, Kanarek's acts, actions and omissions were perpetrated maliciously, intentionally, recklessly and/or negligently.

11. At all times relevant hereto, Kanarek's wrongful acts, actions, and omissions included, for example, making false accusation of child abuse, false accusations of animal abuse, false accusation of insurance fraud, false reports to agencies providing child-protective-services, and other falsehoods through which her intention was to cause harm.

12. For example, Kanarek harassed Barisone by utilizing technology to "bug" (i.e., unlawfully eves drop) upon private conversation Barisone was having; and/or, alternatively, harassed Barisone for purposes of causing him severe and significant emotional distress by claiming that she had unlawful eves-dropping of Barisone's residence and/or business for purposes of stalking him and Barisone Family members.

13. As another example, Kanarek threatened physical violence and harm by and through her internet posting that her "weapons [were] hot" (a phrase indicating that she had a firearm, loaded with ammunition, and its chamber hot) and she was coming for Barisone and/or Barisone Family members.



14. At the time she made that threat, Kanarek was known to be familiar with firearms, to have claimed and/or actual access to a firearm, and to have used a firearm in the past for purposes of shot at her boyfriend and/or his motorcycle while she was in a fit of rage.

15. At all times relevant hereto, Kanarek had a duty to Barisone and the Barisone Family members to refrain from stalking, harming, harassing, threatening, threatening-with-violence, demeaning, injuring, and/or damaging the persons Kanarek was victimizing (including, most notably, Barisone).

16. At all times relevant hereto, Kanarek materially breach her duty(ies) to Barisone and the Barisone Family members, through the acts, actions, and omissions referenced above.

17. As a direct and proximate result and consequence of Kanarek's wrongful acts, actions, and omissions, Kanarek cause injury to Barisone including but not limited to: (a) placing him in fear for his life and physical wellbeing; (b) placing him in fear for the lives and physical wellbeing of Barisone Family members; (c) placing him in fear for the lives and physical wellbeing of Barisone's business staff, clients and the horses owned and/or boarded by Barisone at his dressage farm; (d) emotional distress, including emotional distress with physical manifestations; (e) traumatic stress; (f) emotional breakdown; (g) post-traumatic stress; (h) battered-person-syndrome; (i) psychiatric ailments and eventual breakdown; (j) destruction of his state of mental peace, tranquility, enjoyment and stability; (k) injury to his business; (l) injury mental state; (m) unlawful invasion of his privacy; (n) property damage; (o) irreparable harm; (p) financial harm; (q) physical harm; and (r) other injuries.

**COUNTERCLAIM COUNT 1**  
**(Negligent Infliction of Emotional Distress)**

18. Barisone repeats and realleges the all prior allegations of this Counterclaim as though set forth at length herein.

19. Kanarek was negligent towards Barisone, and breached duties owed to him, including but not limited to duties identified above.

20. As a direct, proximate and foreseeable result of Kanarek's negligence and/or carelessness, Kanarek cause Barisone to be injured by and through severe emotional distress.

21. As a direct, proximate and foreseeable result of Kanarek's negligent acts, actions, and omissions, Barisone sustained serious and severe personal injuries, disability, pain and suffering, emotional distress, has sustained past and future lost income, and other injuries both personal and business in nature.

**WHEREFORE**, MICHAEL BARISONE demands judgment against LAUREN KANAREK for compensatory damages, punitive damages, interest, costs of suit; preliminary and permanent injunctive relief in the form of restraints barring LAUREN KANAREK from making posts about or referencing Barisone on the World Wide Web, and/or through any and all forms of social media, and/or otherwise stalking, harassing, and/or seeking to cause harm or injury to Barisone; and such other relief this Court deems just and proper.

**COUNTERCLAIM COUNT 2**  
**(Intentional Infliction of Emotional Distress)**

22. Barisone repeats and realleges the all prior allegations of this Counterclaim as though set forth at length herein.

23. Kanarek has a lengthy history of antisocial cyber activities, including but not limited to cyber stalking; cyber threats of harm, injury, and mayhem against persons she chooses to target; cyber threats against public figures; and other behaviors which are harmful, injurious, and destructive to the people she victimizes.

24. There is a dozen or more families, persons and businesses in the United States who were victimized by Kanarek through abuse, stalking, crime, and/or other forms of serious abuse, prior to August 2019 when Kanarek turned her sights upon Barisone.

25. Kanarek's extensive history of cyber-abuse against her numerous victims establishes a pattern, practice, and modes operandi of Kanarek's intentional, tortious, harmful conduct against Barisone and others.

26. Kanarek intentionally inflicted severe emotional distress upon Barisone; maliciously inflicted severe emotional distress upon Barisone; recklessly inflicted severe emotional distress upon Barisone; and/or knew or otherwise should have known that emotional distress was the likely result of her acts, actions, and omissions directed at Barisone, Barisone Family members, Barisone's business, and/or the persons who associated with Barisone through his work in the field of dressage.

27. As a direct, proximate, and foreseeable result of Kanarek's conduct, Barisone suffered extreme emotional distress and harm.

28. Kanarek's conduct was extreme and/or outrageous.

29. Kanarek's conduct was the cause of Barisone's emotional distress.

30. The emotional distress Barisone suffered is severe.

31. As a direct, proximate and foreseeable result of Kanarek's acts, actions and/or omissions, Kanarek cause Barisone to be injured by and through severe emotional distress.

32. As a direct, proximate and foreseeable result of Kanarek's acts, actions, and omissions, Barisone sustained serious and severe personal injuries, disability, pain and suffering, emotional distress, has sustained past and future lost income, and other injuries both personal and business in nature.

**WHEREFORE**, MICHAEL BARISONE demands judgment against LAUREN KANAREK for compensatory damages, punitive damages, interest, costs of suit; preliminary and permanent injunctive relief in the form of restraints barring LAUREN KANAREK from making posts about or referencing Barisone on the World Wide Web, and/or through any and all forms of social media, and/or otherwise stalking, harassing, and/or seeking to cause harm or injury to Barisone; and such other relief this Court deems just and proper.

**COUNTERCLAIM COUNT 3**  
**(Negligence)**

33. Barisone repeats and realleges the all prior allegations of this Counterclaim as though set forth at length herein.

34. As stated previously, Kanarek had duties to Barisone which she breached materially, causing Barisone injury and damages.

35. For example, in or about the beginning of August 2019, Kanarek knew, was aware of, and/or should have known, that her harassment of Barisone and/or Barisone Family members had caused Barisone to suffer a mental, psychiatric, and/or emotional breakdown.

36. In or about the beginning of August 2019, Kanarek knew, was aware of, and/or should have known, that due to Barisone's injured mental, psychiatric, and/or emotional state, Kanarek's continued harassment of and caustic interaction with Barisone was more likely than not to devolve into a confrontation involving a significant risk of physical injury and/or harm to the herself, Barisone, and/or other persons on the farm.

37. One of Kanarek's duties was Kanarek's duty care to cease and desist in her harassment, confrontation, and/or other caustic interactions with Barisone.

38. As a direct, proximate and foreseeable result of Kanarek's negligence and/or carelessness, Kanarek cause Barisone to be injured, pain, suffering, and damages.

39. As a direct, proximate and foreseeable result of Kanarek's negligent acts, actions, and omissions, Barisone sustained serious and severe personal injuries, pain and suffering, emotional distress, has sustained past and future lost income, and other injuries both personal and business in nature.

**WHEREFORE**, MICHAEL BARISONE demands judgment against LAUREN KANAREK for compensatory damages, punitive damages, interest, costs of suit; preliminary and permanent injunctive relief in the form of restraints barring LAUREN KANAREK from making posts about or referencing Barisone on the World Wide Web, and/or through any and all forms of social media, and/or otherwise stalking, harassing, and/or seeking to cause harm or injury to Barisone; and, such other relief this Court deems just and proper.

**DEININGER & ASSOCIATES, LLP**  
*Attorneys for Barisone*



By: \_\_\_\_\_  
Christopher L. Deininger, Esq.

Dated: February 29, 2020

**NOTICE OF ALLOCATION**

Pursuant to R. 4:7-5, this answering defendant hereby advised that if any co-defendants presently named or hereafter named, who are not represented by this law firm, settle the within matter prior to the conclusion of trial, the liability of any settling co-defendant(s) shall remain at issue and the defendants shall seek an allocation of the percentage of fault, negligence, and/or other liability by

the finder of fact against each and every settling co-defendant and/or a credit in favor of this answering defendants consistent with such allocation.

**DEININGER & ASSOCIATES, LLP**  
*Attorneys for Barisone*

By: \_\_\_\_\_  
Christopher L. Deininger, Esq.

Dated: February 29, 2020

**JURY DEMAND**

This Defendant demands a trial by jury as to all claims, issues, and causes of action arising in this civil action.

**DEININGER & ASSOCIATES, LLP**  
*Attorneys for Barisone*

By: \_\_\_\_\_  
Christopher L. Deininger, Esq.

Dated: February 29, 2020

**DEMAND FOR STATEMENT OF DAMAGES**

Pursuant to the Rules of this Court, R. 4:5-2, the Defendant / Counterclaimant demand that Plaintiff provide a statement as to her damages, within five (5) days.

**DEININGER & ASSOCIATES, LLP**  
*Attorneys for Barisone*

By: \_\_\_\_\_  
Christopher L. Deininger, Esq.

Dated: February 29, 2020

**DESIGNATION OF TRIAL COUNSEL**

Christopher L. Deininger, Esq., is hereby designated as trial counsel for Defendants / Counterclaimants.

**DEININGER & ASSOCIATES, LLP**  
*Attorneys for Barisone*



By: \_\_\_\_\_  
Christopher L. Deininger, Esq.

Dated: February 29, 2020

**CERTIFICATION**

I hereby certify that there are no other pending actions between or among interested parties which presently involve the subject matter of this action. I further certify that there are other pending action related to certain transactions and occurrences referenced in this action, namely *Sweet Grass Farms, LLC et al. v. Michael Barisone et al.*, pending in New Jersey Superior Court, Morris County, Chancery Division, and *State of New Jersey v. Michael Barisone*, pending in New Jersey Superior Court, Morris County, Criminal Division. This matter is still under investigation by the undersigned. I further certify that the matter in controversy is not the subject of any

arbitration proceedings. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

**DEININGER & ASSOCIATES, LLP**  
*Attorneys for Barisone*



By: \_\_\_\_\_  
Christopher L. Deininger, Esq.

Dated: February 29, 2020

**CERTIFICATION UNDER R. 4:5-1(b)(3)**

I certify that confidential personal identifying information has been removed from the documents now submitted to the Court, and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b).

**DEININGER & ASSOCIATES, LLP**  
*Attorneys for Barisone*



By: \_\_\_\_\_  
Christopher L. Deininger, Esq.

Dated: February 29, 2020