

BRUCE H. NAGEL
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 NAGEL RICE, LLP
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 Attorneys for Plaintiff

<p>LAUREN KANAREK, Plaintiff, v. MICHAEL BARISONE; SWEETGRASS FARMS, LLC; RUTH COX; JOHN DOES 1-30; ABC Corporations 1-20, Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION-MORRIS COUNTY DOCKET NO.: CIVIL ACTION COMPLAINT AND JURY DEMAND</p>
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Plaintiff Lauren Kanarek, a resident of Long Valley, New Jersey, by way of Complaint against the defendants, alleges and says:

FACTS COMMON TO ALL COUNTS

1. Upon information and belief, Michael Barisone is an individual resident of Long Valley, New Jersey.
2. Upon information and belief, Ruth Cox is an individual resident of North Carolina.
3. Upon information and belief, Sweetgrass Farms, LLC is a limited liability company operating in Long Valley, New Jersey.
4. On or about on August 7, 2019, Defendant Michael Barisone (hereinafter "Barisone" or "Defendant") confronted Kanarek and her fiancé on the porch of the farmhouse at 411 W. Mill Road, Long Valley, New Jersey.
5. Plaintiff was lawfully on the subject porch.

6. This confrontation followed an extended and protracted campaign by Defendants Barisone and/or Cox and/or Sweetgrass Farms, LLC and/or John Does 1-30 and/or ABC Corps 1-20, and their representatives, associates, friends, and/or agents, of harassing Plaintiff and her fiancée.

7. During the above-mentioned confrontation, without warning or provocation, Defendant Barisone shot Kanarek in the chest multiple times at point blank range.

8. Barisone was arrested, charged with multiple counts of attempted murder and weapons offenses, and is currently incarcerated in the Morris County Jail awaiting the criminal trial.

9. Upon information and belief, Defendants ABC Corps (1-10) and/or John Does (1-10) is the owner, managing agent, representative, and/or operator of the farm, residence, and/or facility where the subject shooting occurred. The identity of these Defendants are currently unknown.

10. Upon information and belief, Defendant Ruth Cox and/or John Does (11-20) owned, controlled, possessed, or otherwise maintained to hand gun utilized in this shooting. The identity of John Does (11-20) is currently unknown.

11. Upon information and belief, Defendants John Does (21-30) and ABC Corps (11-20) are Defendants whose identity is currently unknown, who are responsible for Plaintiff's injuries.

COUNT ONE
(Strict Liability)

12. Plaintiff repeats the allegations heretofore stated as though set forth at length herein.

13. Defendant Sweetgrass Farms, LLC and/or ABC Corps (1-10) and/or John Does (1-10) and/or Barisone is the owner, managing agent, controlling agent, managing representative, and/or operators of the farm, residence, and/or facility where the subject shooting occurred.

14. Defendants Sweetgrass Farms, LLC and/or ABC Corps (1-10) and/or John Does (1-10) and/or Barisone allowed, permitted, suffered, or otherwise condoned firearms to be present on their property.

15. Allowing firearms to be present on their property is an ultra-hazardous activity, which has the potential to seriously injure and/or kill innocent people.

16. As such, Defendants Sweetgrass Farms, LLC and/or ABC Corps (1-10) and/or John Does (1-10) and/or Barisone are strictly liable for all injuries caused by this.

WHEREFORE, Plaintiff demands judgment against all of the defendants jointly, severally or in the alternative, for damages, interest, costs of suit, and such other relief this Court deems just and equitable.

COUNT TWO
(Negligence)

17. Plaintiff repeats the allegations heretofore stated as though set forth at length herein.

18. Defendant Sweetgrass Farms, LLC and/or ABC Corps (1-10) and/or John Does (1-10) and/or Barisone is the owner, managing agent, controlling agent, managing representative, and/or operators of the farm, residence, and/or facility where the subject shooting occurred.

19. Defendants Sweetgrass Farms, LLC and/or ABC Corps (1-10) and/or John Does (1-10) and/or Barisone had a duty to provide a safe and sure location for the guests, business invitees, and social invitees, and/or residents, who visited and/or lived on and/or were legally present on the premises, including the Plaintiff.

20. Defendants Sweetgrass Farms, LLC and/or ABC Corps (1-10) and/or John Does (1-10) and/or Barisone were negligent in failing to do so.

21. As a direct and proximate result of the aforesaid negligence, carelessness, and/or omissions of defendants Sweetgrass Farms, LLC and/or ABC Corps (1-10) and/or John Does (1-10), and/or Barisone, individually and/or through their agents and/or servants, Plaintiff was caused to be injured.

22. As a direct and proximate result of said negligence, Plaintiff sustained severe and permanent personal injury, disability, pain and suffering, emotional distress, incurred and

will continue to incur medical expenses, has sustained past and future lost wages, and has otherwise suffered loss of enjoyment of life and will continue to suffer from such losses into the future.

WHEREFORE, Plaintiff demands judgment against all of the defendants jointly, severally or in the alternative, for damages, interest, costs of suit, and such other relief this Court deems just and equitable.

COUNT THREE
(Negligence as to Barisone)

23. Plaintiff repeat the allegations heretofore stated as though set forth at length herein.

24. Barisone was negligent and breached his duty owed to Plaintiff, resulting in him negligently injuring Plaintiff.

25. As a result of Barisone's negligence, Plaintiff sustained severe and permanent personal injuries, disability, pain and suffering, emotional distress, incurred and will continue to incur medical expenses, has sustained past and future lost wages, and has otherwise suffered loss of enjoyment of life and will continue to suffer from such losses into the future.

WHEREFORE, Plaintiff demands judgment against the defendants, jointly, severally or in the alternative, for damages, interest, costs of suit, and such other relief this Court deems just and equitable.

COUNT FOUR
(Assault and Battery as to Barisone)

26. Plaintiff repeat the allegations heretofore stated as though set forth at length herein.

27. The aforementioned conduct by Barisone constitutes and assault and battery upon Plaintiff.

28. As a result of Barisone's assault and battery, Plaintiff sustained severe and permanent personal injuries, disability, pain and suffering, and emotional distress, incurred and will continue to incur medical expenses, has sustained past and future lost wages, and has otherwise suffered loss of enjoyment of life and will continue to suffer from such losses into the future.

WHEREFORE, Plaintiff demands judgment against all of the defendants, jointly, severally or in the alternative, for damages, interest, costs of suit, and such other relief this Court deems just and equitable.

COUNT FIVE
(Negligence as to Defendant Ruth Cox and John Does (11-20))

29. Plaintiff repeat the allegations heretofore stated as though set forth at length herein.

30. Defendant Ruth Cox and/or John Does (11-20) owned, controlled, possessed, or otherwise maintained to hand gun utilized in this shooting. The identity of John Does (11-20) is currently not known.

31. Defendant Ruth Cox and/or John Does (11-20) negligently secured the subject weapon, and/or negligently

allowed and/or negligently permitted and/or negligent failed to prevent Barisone from obtained the subject weapon, and/or negligently entrusted Barisone with the subject weapon.

32. It is foreseeable that if Defendant Ruth Cox and/or John Does (11-20) negligently secured the subject weapon, and/or negligently allowed and/or negligently permitted and/or negligent failed to prevent Barisone from obtained the subject weapon, and/or negligently entrusted the weapon to Barisone, it could be or would be utilized to hurt someone else.

33. As a result of the above negligence of Defendant Ruth Cox and/or John does (11-20), Plaintiff sustained severe and permanent personal injuries, disability, pain and suffering, emotional distress, incurred and will continue to incur medical expenses, has sustained past and future lost wages, and has otherwise suffered loss of enjoyment of life and will continue to suffer from such losses into the future.

WHEREFORE, Plaintiff demands judgment against the defendants, jointly, severally or in the alternative, for damages, interest, costs of suit, and such other relief this Court deems just and equitable.

COUNT SIX
(Negligence Infliction of Emotion Distress)

34. Plaintiff repeat the allegations heretofore stated as though set forth at length herein.

35. As set out in the proceeding and subsequent counts, all Defendants were negligent.

36. All Defendants' negligence was the proximate cause of emotional harm to the plaintiff.

37. All Defendants owed a duty to the plaintiff.

38. It was foreseeable that all Defendants' negligence would cause extreme emotional distress to Plaintiff.

39. As a result of the above, Plaintiff sustained severe and permanent personal injuries, disability, pain and suffering, emotional distress, incurred and will continue to incur medical expenses, has sustained past and future lost wages, and has otherwise suffered loss of enjoyment of life and will continue to suffer from such losses into the future.

WHEREFORE, Plaintiff demands judgment against the defendants, jointly, severally or in the alternative, for damages, interest, costs of suit, and such other relief this Court deems just and equitable.

COUNT SEVEN
(Intentional Infliction of Emotion Distress)

40. Plaintiff repeat the allegations heretofore stated as though set forth at length herein.

41. As set forth in the proceeding counts, Defendants intended to inflict emotional distress on Plaintiff, or knew or should have known that emotional distress was the likely result of their conduct.

42. As a direct and proximate result of Defendants' conduct, Plaintiff suffered extreme emotional distress.

43. Defendants' conduct was extreme or outrageous.

44. The actions of the Defendant were the cause of the plaintiff's distress.

45. The emotional distress suffered by the plaintiff was severe.

46. As a result of the above, Plaintiff sustained severe and permanent personal injuries, disability, pain and suffering, emotional distress, incurred and will continue to incur medical expenses, has sustained past and future lost wages, and has otherwise suffered loss of enjoyment of life and will continue to suffer from such losses into the future.

WHEREFORE, Plaintiff demands judgment against the defendants, jointly, severally or in the alternative, for damages, interest, costs of suit, and such other relief this Court deems just and equitable.

COUNT EIGHT
(Punitive Damages)

47. Plaintiff repeat the allegations heretofore stated as though set forth at length herein.

48. The harm suffered by Plaintiff was the result of the Defendants' acts or omissions, as referenced above, and such acts or omissions were actuated by actual malice or accompanied by a wanton and willful disregard of persons who foreseeably might be harmed by those acts or omissions.

49. As a result of the above, Plaintiff sustained severe and permanent personal injuries, disability, pain and suffering, emotional distress, incurred and will continue to incur medical

expenses, has sustained past and future lost wages, and has otherwise suffered loss of enjoyment of life and will continue to suffer from such losses into the future.

WHEREFORE, Plaintiff demands judgment against all of the Defendants, jointly, severally or in the alternative, for punitive damages, interest, costs of suit, and such other relief this Court deems just and equitable.

COUNT NINE

50. Plaintiff repeat and restates the allegations of the prior counts as if set forth at length herein.

51. John Does 21-30 and ABC Corps. 11-20 breached their duty of care owed to Plaintiff, and caused Plaintiff injury.

52. As a proximate result of the aforesaid negligence, Plaintiffs suffered severe, permanent injuries, pain, suffering, disability, impairment, loss of enjoyment of life, and economic damages.

WHEREFORE, Plaintiff demands judgment against the defendants, jointly, severally or in the alternative, for damages, interest, costs of suit, and such other relief this Court deems just and equitable.

JURY DEMAND

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

DISCOVERY DEMAND

Plaintiff hereby demands answers to Form C and C(2) Interrogatories within the time prescribed by the New Jersey Court Rules.

DEMAND FOR INSURANCE INFORMATION

Pursuant to R. 4:10-2(b), plaintiff hereby demands copies of the declaration pages of any and all insurance agreements by which any person carrying on an insurance business may be liable to satisfy part of all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment.

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 Plaintiff

By: Bruce H. Nagel
BRUCE H. NAGEL

Dated: October 18, 2019

CERTIFICATION

I, BRUCE H. NAGEL, of full age, hereby certifies that:

I am an attorney at law in the State of New Jersey and a partner at the law firm Nagel Rice, LLP, attorneys for plaintiff in this action.

To the best of my knowledge, the matter in controversy is not the subject of any other action pending in any court or any pending arbitration proceeding.

No other actions or arbitration proceedings are contemplated by this plaintiff relating to this matter.

I know of no other parties that should be joined in this action at this time although it is anticipated that the names of various parties will be clarified after discovery.

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

NAGEL RICE, LLP
Attorneys for Plaintiff

By: *Bruce H. Nagel*
BRUCE H. NAGEL

Dated: October 18, 2019

Civil Case Information Statement

Case Details: MORRIS | Civil Part Docket# L-002250-19

Case Caption: KANAREK LAUREN VS BARISONE
MICHAEL

Case Initiation Date: 10/18/2019

Attorney Name: BRUCE H NAGEL

Firm Name: NAGEL RICE LLP

Address: 103 EISENHOWER PKWY
ROSELAND NJ 07068

Phone: 9736180400

Name of Party: PLAINTIFF : Kanarek, Lauren

Name of Defendant's Primary Insurance Company
(if known): Unknown

Case Type: PERSONAL INJURY

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? YES

If yes, is that relationship: Friend/Neighbour

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO **Title 59?** NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

10/18/2019
Dated

/s/ BRUCE H NAGEL
Signed

