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Christopher L. Deininger, Esq., N.J. Bar ID No. 004271996
DEININGER & ASSOCIATES, LLP
415 Route 10, Suite 1
Randolph, New Jersey 07869
(973) 879-1610; Fax (973) 361-1241
Attorneys for Barisone

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

**CERTIFICATION OF CHRISTOPHER L. DEININGER, ESQ.,
IN OPPOSITION TO PLAINTIFF’S DISCOVERY MOTION**

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 certification in opposition to the pending discovery motion made by plaintiff-counterclaim-defendant LAUREN KANAREK.

2. To my knowledge, Kanarek has never made a R. 4:18 document demand for the documents and records which she is seeking to compel by way of her motion.

3. The Court Rules mandate that, if someone wants document discovery in a civil proceeding, you have to first make a proper, captioned document demand in compliance with R.4:18. See R. 4:18 (b) (1) & (b) (2).

4. Barisone already produced the requested documents and records.

5. Back on July 29, 2022, I delivered to Kanarek's counsel a 1TB hard drive with my clients documents and records – including full copies of the Facebook feeds, text message records, and trial exhibits the defense had admitted in evidence during the criminal trial which Barisone successfully defendant to a verdict of NGRI.

6. Annexed hereto as **Exhibit A** is a true and accurate copy of my letter dated July 2022, delivery that hard drive to plaintiff's counsel. My letter of that date confirms the production of that hard drive and, furthermore, confirms that Barisone was adopting as his production also all of the files and records which my co-defendant obtained from the Morris County Prosecutor's Office. Id. at **Exhibit A**. So, for more than a year now, Kanarek's attorneys have had possession, custody and control of the documents and records sought here.

7. Kanarek is in default of her discovery obligations here. Her deposition was noticed several times and, as yet, she has failed and refused to appear for that deposition. Annexed hereto as **Exhibit B** is a true and accurate copy of one of my numerous, prior deposition notices to plaintiff.

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: March 23, 2023

EXHIBIT A

Deininger & Associates LLP

Attorneys at Law

Christopher L. Deininger

Member New York & New Jersey

415 Route 10, Suite 1

Randolph, NJ 07869

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July 29, 2022

BY USPO OVERNIGHT DELIVERY (With Enclosures)
& BY EMAIL (Without Enclosures)

Andrew L. O'Connor, Esq.
Nagel Rice LLP
103 Eisenhower Parkway
Roseland, New Jersey 07068

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

Counselor:

My purpose for this letter is to supplement Michael Barisone's discovery responses in this matter, and to deliver Mr. Barisone's new set of document demands to Ms. Kanarek.

On the issue of the supplementation of Mr. Barisone's prior discovery responses, please be advised of the following. First, enclosed is a 1TB external hard drive containing documents, records, videos, sound recordings, Facebook feeds, email records, text records, and other documents and information, all of which Barisone is providing not only in defense of Kanarek's claims against him, but also in support of Barisone's counterclaims against Kanarek. Barisone hereby incorporates into his prior discovery responses the materials on the 1TB hard drive, to the extent that the documents and records on that storage device support Barisone's claims and/or Barisone's defenses. The materials Barisone is incorporating to the extent as stated above, includes without limitation the Facebook feeds of Kanarek and Goodwin, as well as the records they made through their illegal eaves dropping.

You will see that the hard drive includes, among many other items, an expert report prepared by Dr. Simring (Barisone's psychiatric medical doctor testifying expert) as well as an expert report prepared by Dr. Hasson (Barisone's psychologist testifying expert) (collectively, the "Reports"). The Reports as well as the other materials on the hard drive are designated "confidential" under the protective order entered in this matter.

The Reports are to be considered Barisone's duly certified amendments to answers to interrogatories. The Reports are furnished pursuant to R. 4:17-4 and R. 4:23-5, and with the understanding that nothing contained in the Reports is an adoptive admission of Barisone, as

referenced in Sallo v. Sabatino, 146 N.J. Super. 416 (App. Div. 1976) and/or Skibinsky v. Smith, 206 N.J. Super. 349 (App. Div. 1985). Please be advised Barisone is designating Drs. Simring and Hasson as testifying experts for trial in this matter, and that they may testify at trial not only as to the opinions reflected in the Reports, but also as to other matters beyond the scope of matters currently covered in the Reports. Those experts will be called to offer testimony not only in defense of Kanarek's claims against Barisone based upon the shooting, but also in support of Barisone's counterclaim against Kanarek for emotional/psychological/psychiatric distress injuries which brought about the shooting and, ultimately, brought about the loss and destruction of Barisone's business, career, reputation, mental health, and personal peace of mind.

Moreover, reference is made to the extensive materials Mark Silver produced in this matter which his client obtained from the Morris County Prosecutor's Office from its investigation of the shooting incident (collectively, the "MCPO Materials"). Barisone hereby incorporated into his prior discovery responses the MCPO Materials, to the extent that the documents and records therein support Barisone's claims and/or Barisone's defenses. The documents and records Barisone is incorporating to the extent as stated above, includes without limitation the Facebook feeds of Kanarek and Goodwin, as well as the records they made through their illegal eves dropping.

One item on the hard drive is a ".pdf" file entitled Barisone's "witness list". Please be advised that the names referenced in that document are persons/entities known to possess relevant knowledge, such that Barisone is putting your client on notice that Barisone is reserving the right to call each and everyone of those persons as a testifying witness at the trial of this dispute.

Finally, enclosed is another, follow-up document demand from Barisone directed to your client. My impression is that Kanarek has not responded to Barisone's prior discovery demands in a full or complete manner. Upon my review of that aspect of discovery, I will be sending over a deficiency letter.

Very Truly Yours,
DEININGER & ASSOCIATES, LLP



Christopher L. Deininger, Esq.

Enclosures

cc: John P. Graves, Esq. (email and USPO Priority mail)
Lane M. Ferdinand, Esq. (same)
Mark Silver, Esq. (same)
Ed Bilinkas, Esq. (via email only)

EXHIBIT B

01013

Christopher L. Deininger, Esq., N.J. Bar ID No. 004271996
DEININGER & ASSOCIATES, LLP
415 Route 10, Suite 1
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(973) 879-1610; Fax (973) 361-1241
Attorneys for Defendant Michael Barisone

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

NOTICE OF DEPOSITION OF PLAINTIFF LAUREN KANAREK

TO: NAGEL RICE, LLP
103 Eisenhower Parkway
Roseland, New Jersey 07068
Attn: ANDREW O’CONNOR, ESQ.

WITH NOTICE TO:

Mark Silver, Esq.
Schenck Price
220 Park Avenue, P.O. 991
Florham Park, NJ 07932

Lane M. Ferdinand, Esq.
Law Offices of L.M. Ferdinand
505 Morris Avenue
Springfield, NJ 07081

John Graves, Esq.
Graves Andrews
LLC 113
Washington Street,
Suite 1
Morristown, NJ 07960

SIRS:

PLEASE TAKE NOTICE that in accordance with New Jersey Rule of Court 4:14-1 et. seq., defendant-counterclaim-plaintiff MICHAEL BARISONE will take testimony by the in-

person deposition upon oral examination of plaintiff LAUREN KANAREK, before a person authorized by the laws of the State of New Jersey to administer oaths, commencing on Tuesday, October 11, 2022 at 10:00 a.m., and continuing through the remainder of that week on October 12-14, 2022, until the examination is completed, and that the examination will be with respect to all matters relevant to the subject matter involved in this action.

PLEASE TAKE FURTHER NOTICE that the deposition will be conducted at the offices of Schenck, Price, Smith & King, LLP, 220 Park Avenue, Florham Park, New Jersey 07932, and that deponent's in-person presence at that designated location, in the physical presence of the court reporter and attending attorneys, is required for the examination, and that the noticing party does not consent to, and will not agree to, an examination conducted over the Internet and/or in some other virtual manner.

PLEASE TAKE FURTHER NOTICE that the deponent is being directed to bring with him/her to the deposition, and have available for inspection and copying at the time of the deposition, the following documents, records, and things relevant to the matters in dispute in this action:

All documents, books and records (including but not limited to electronically stored information such as emails, text messages, spreadsheets, audio recordings, video recording, etc.) which evidence the factual basis of KANAREK's claims and/or allegations against MICHAEL BARISONE;

All documents, books and records (including but not limited to electronically stored information such as emails, text messages, spreadsheets, audio recordings, video recording, etc.) which evidence the diagnosis, prognosis, and/or treatment, of psychiatric, psychological, and/or emotions ailments suffered by KANAREK prior to August 2019 and/or thereafter; and

All documents, books and records (including but not limited to electronically stored information such as emails, text messages, spreadsheets, audio recordings, video recording, etc.) requested from KANAREK in discovery by the parties to this plenary action.

DEININGER & ASSOCIATES, LLP
Attorneys for Defendant-Counterclaimant



By: _____
Christopher L. Deininger, Esq.

Dated: August 3, 2022

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

March 23, 2023

VIA ECOURTS FILING

Hon. David J. Weaver, J.S.C.

New Jersey Superior Court

Sussex County Court House

3 High Street, 2nd Floor

Newton, NJ 07860

**RE: Kanarek v. Barisone, et al., Docket No. MRS-L-2250-19
Plaintiff's Motion to Compel Discovery From Barisone
Return Date: March 31, 2023**

ORAL ARGUMENT REQUESTED

Your Honor:

Together with Edward J. Bilinkas, Esq., I represent defendants-counterclaim-plaintiff MICHAEL BARISONE. I am submitting this letter brief, in lieu of a more formal one, in opposition to the motion to compel discovery being pursued by plaintiff-counterclaim-defendant Lauren Kanarek.

The facts here demonstrate that the Kanarek motion should be denied.

First, Kanarek has never made a R. 4:18 document demand for the documents and records which she is seeking to compel by way of her motion. Deininger Certif. Paragraphs 1-7, submitted herewith. The Court Rules mandate that, if someone wants document discovery in a civil

proceeding, you have to first make a proper, captioned document demand in compliance with R.4:18. See R. 4:18 (b) (1) & (b) (2). No such demand has ever been made here, and no such demand has been presented as an exhibit to a sworn certification. Deininger Certif. Paragraphs 1-7, submitted herewith. So, the motion must be denied.

Second, Barisone already produced the requested documents and records. Back on July 29, 2022, I delivered to Kanarek's counsel a 1TB hard drive with my clients documents and records – including full copies of the Facebook feeds, text message records, and trial exhibits the defense had admitted in evidence during the criminal trial which Barisone successfully defendant to a verdict of NGRI. Deininger Certif. Paragraphs 1-7, submitted herewith. My letter of that date confirms the production of that hard drive and, furthermore, confirms that Barisone was adopting as his production also all of the files and records which my co-defendant obtained from the Morris County Prosecutor's Office. Id. at **Exhibit A**. So, for more than a year now, Kanarek's attorneys have had possession, custody and control of the documents and records sought here. So, the motion should be denied.

Third, Kanarek is in default of her discovery obligations here. Deininger Certif. Paragraphs 1-7, submitted herewith. Her deposition was noticed several times and, as yet, she has failed and refused to appear for that deposition. See e.g. Deposition Notice, **Exhibit B** to the Deininger Certif. submitted herewith. The Court Rules do not permit motions to compel discovery from a party in default of their discover obligations. So, the motion should be denied.

What needs to happen here is that the plaintiff needs to roll up her sleeves and get down to the business of reviewing all of the discovery my office and co-defendants' counsel produced here.

My discovery includes a full list of witnesses, photographs, Internet postings, and confirming records demonstrating her purposeful plan to drive Mr. Barisone to the breaking point of insanity.

Very Truly Yours,
DEININGER & ASSOCIATES, LLP



By: _____
Christopher L. Deininger, Esq.

cc: All Counsel of Record (via eCourts filing)

CERTIFICATION OF SERVICE

I, CHRISTOPHER L. DEININGER, ESQ., certify under penalty of perjury, that on MARCH 23, 2023, I caused true and accurate copies of MICHAEL BARISONE's **Letter Brief and Supporting Certifications (with exhibits), in opposition to the pending discovery motion by plaintiff**, to be served upon the Clerk of the New Jersey Superior Court, and upon all counsel of record, through e-Courts.

I hereby certify 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 the Barisone



By : _____
CHRISTOPHER L. DEININGER, ESQ.

