

SCHENCK PRICE SMITH & KING LLP

Mark K. Silver, Esq. (019752000)

220 Park Avenue

P.O. Box 991

Florham Park, New Jersey 07932

(973) 539-1000

Attorneys for Defendant, Sweet Grass Farm, LLC

<p>LAUREN KANAREK,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>MICHAEL BARISONE, SWEET GRASS FARMS, LLC, RUTH COX, JOHN DOES 1-30; ABC Corporations 1-20</p> <p style="text-align: center;">Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: MORRIS COUNTY</p> <p>DOCKET NO.: MRS-L-2250-19</p> <p style="text-align: center;">Civil Action</p>
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**DEFENDANT SWEET GRASS FARM, LLC'S BRIEF IN OPPOSITION TO
PLAINTIFF'S MOTION TO COMPEL DISCOVERY**

OF COUNSEL AND ON THE BRIEF:

Mark K. Silver, Esq. (019752000)

220 Park Avenue

P.O. Box 991

Florham Park, New Jersey 07932

(973) 539-1000

PRELIMINARY STATEMENT

"Poor Planning on Your Part Does Not Necessitate an Emergency on Mine."

- Bob Carter

In the latest chapter of "Kanarek Disregards the Court Rules", Plaintiff has filed a Motion that is simultaneously procedurally barred and substantively void of merit.

In sum, Plaintiff has filed a Motion to Compel Sweet Grass Farms, LLC's ("SGF") response to a request BEFORE the response is even due under the Court rules. The alleged reason for the improper emergent motion – Plaintiff's deposition is upcoming. The motion is not only improper on its face, the information that Plaintiff seeks to compel is information that is fully protected by the work product doctrine.

Given Plaintiff's own history with regard to discovery in this case and the fact that Plaintiff has not responded to document requests that were served upon her over eight (8) months ago, the temerity it takes to file the current application is truly jaw dropping.

Substantively, Plaintiff's application does not hold water. Plaintiff is not entitled to SGF's attorney-work product. SGF is also not required to produce information that can be found in public records. No one is in a better position to know how many people Plaintiff harassed and the identity of those individuals than Plaintiff herself. As shown by the exhibit submitted in the previous motion, the information SGF submitted to the Court was a LEXIS NEXIS summary of a search of public records. Plaintiff has equal access to and superior knowledge of her own history.

Moreover, IF SGF were holding back certain documents from production (and it is not stating that it is), but IF it were, it is SGF's position that SGF is not required to produce any known materials until *after* Plaintiff's deposition has been completed.

FACTS

For the record, SGF served Plaintiff with a supplemental document demand on July 27, 2022. *See* Certification of Mark K. Silver, Esq. (“Silver Cert.”) at ¶ 3, **Exhibit A**. To date, it has been ignored and never responded to. On March 7, 2023, SGF advised Plaintiff’s new counsel of the outstanding requests, re-served same and served Plaintiff with an additional supplemental Notice to Produce. It also has not been responded to. *See* Silver Cert. at ¶ 4, **Exhibit B**.

Conversely, on March 9, 2023, at 2:54 p.m. Plaintiff, by and through her counsel, sent an informal document demand via e-mail seeking documents related to “other instances of harassment allegedly committed by Plaintiff.”. *See* Silver Cert. at ¶ 5, **Exhibit C**.

SGF is not challenging the informal nature of the request, but pursuant to the Rules of Court, SGF has thirty-five (35) days to respond to a request for documents and sixty (60) days to respond to an interrogatory. *See* R. 4:17 and R. 4-18.

Six minutes after receipt of the Plaintiff’s request, SGF sent a return email advising receipt and that the requests posed sought “attorney work product.” The email also explicitly stated that SGF would “check the documents produced in discovery to make sure everything that [Plaintiff was] entitled to has or will be produced.” *See* Silver Cert. at **Exhibit C**.

Another six minutes later, Plaintiff sent a response repeating the request and ignoring the fact SGF’s statement: 1) that the request seeks information Plaintiff is not entitled to under New Jersey law, and 2) that SGF would review the current production to make sure it was in compliance with all of its discovery obligations. *See* **Exhibit C** to Silver Cert.

The March 9, 2023, email exchange was the last time the parties addressed the issue until Plaintiff filed the instant motion.

On March 15, 2023 – six (6) days after serving the request and twenty-nine (29) days before a formal response was due – Plaintiff filed the instant application.

SGF immediately sent an email to Plaintiff advising of the impropriety of the motion and demanding an immediate withdrawal of same. *See* Silver Cert. at **Exhibit D**. Plaintiff's response speaks for itself, but, in sum, Plaintiff filed the Motion because March 31, 2023 is the last return date before Plaintiff's April 13, 2023 deposition and Plaintiff wanted this issue decided before then. *See* **Exhibit D** to Silver Cert.

Defendant SGF responds to Plaintiff's Motion as follows:

ARGUMENT

From a procedural standpoint, Plaintiff does not get to change the Rules of Civil Procedure simply because they do not work for her personal timeline. The Court Rules do not allow a party to file a Motion to Compel a Response when the response is not even due yet. Moreover, Plaintiff has filed a discovery motion while being delinquent with her own discovery responses.

Setting aside the procedural defects in Plaintiff's application, Plaintiff's request has no substantive merit. SGF is fully aware of its discovery obligations. Rule 4:10-2 clearly states that Plaintiff is not entitled materials prepared for anticipation of litigation. The only exception to that Rule is if Plaintiff can prove substantial need and is not able to obtain the information from any other source. As the information in question relates to Plaintiff's own actions and is fully within Plaintiff's knowledge and control, Plaintiff can hardly meet that burden.

Additionally, SGF is not required to turn over impeachment materials to Plaintiff.

Moreover, IF SGF were holding any documents back from production (and it is not stating that it is), but IF it were, it would be SGF's position that SGF would not be required to

produce any such materials until *after* Plaintiff's deposition has been completed. SGF would equate Plaintiff's request in this matter to a request for video surveillance. The case law in those cases make it clear that Plaintiff is only entitled to view surveillance video conducted by defense counsel *after* Plaintiff has been deposed. See Mernick v. McCutchen, 442 N.J. Super. 196 (App. Div. 2015) and Jenkins v. Rainer, 60 NJ 50 (1976).

To be crystal clear, as of the date of this writing, SGF has NOT conducted video surveillance on the Plaintiff. It is only citing to those cases as an analog to establish that the Defendant is entitled to question Plaintiff about inconsistencies that may arise from her testimony before disclosing whatever information it may have to challenge those inconsistencies. In fact, unlike the surveillance cases, in this matter, SGF's work product is not unique in any nature and can be easily replicated by Plaintiff and her counsel by instituting standard investigation techniques.

Notwithstanding all of the above, it is SGF's intent to formally respond to Plaintiff's request in due course. It also stands by its previous statement to Plaintiff that it will "check the documents produced in discovery to make sure everything that [Plaintiff was] entitled to has or will be produced."

SGF is willing to discuss this issue with the Court in an *in camera* session if the Court so desires.

Respectfully submitted,

SCHENCK PRICE SMITH & KING LLP

/s/ Mark K. Silver

Mark K. Silver, Esq.

Dated: March 23, 2023

SCHENCK PRICE SMITH & KING LLP

Mark K. Silver, Esq. (019752000)

220 Park Avenue

P.O. Box 991

Florham Park, New Jersey 07932

(973) 539-1000

Attorneys for Defendant, Sweet Grass Farm, LLC

<p>LAUREN KANAREK,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>MICHAEL BARISONE, SWEET GRASS FARMS, LLC, RUTH COX, JOHN DOES 1-30; ABC Corporations 1-20</p> <p style="text-align: center;">Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: MORRIS COUNTY</p> <p>DOCKET NO.: MRS-L-2250-19</p> <p style="text-align: center;">Civil Action</p> <p style="text-align: center;">CERTIFICATION OF MARK K. SILVER, ESQ. IN SUPPORT OF DEFENDANT SWEET GRASS FARM, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL DISCOVERY</p>
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I, MARK K. SILVER, ESQ., of full age, do certify as follows:

1. I am an attorney-at-law of the State of New Jersey and a Partner with the law firm of Schenck, Price, Smith & King LLP, attorneys for Defendant Sweet Grass Farm, LLC (“SGF”). I am the attorney responsible for handling this matter. As such, I have personal knowledge of the facts set forth herein.

2. I make this Certification in support of SGF’s Opposition to Plaintiff’s Motion to Compel Discovery.

3. SGF served Plaintiff with a Supplemental Notice to Produce on July 27, 2022. (A true and accurate copy of which is annexed hereto as “**Exhibit A**”).

4. SGF served Plaintiff with another Supplemental Notice to Produce on March 7, 2023. (A true and accurate copy of which is annexed hereto as “**Exhibit B**”).

5. On March 9, 2023, Plaintiff, by and through her counsel, sent an informal document demand, via e-mail, seeking documents related to “other instances of harassment allegedly committed by Plaintiff.”. (A true and accurate copy of which is annexed hereto as “**Exhibit C**”).

6. Annexed hereto as “**Exhibit D**” is a true and accurate copy of email correspondence with Plaintiff’s counsel dated March 15, 2023.

SCHENCK PRICE SMITH & KING LLP
Attorneys for Defendant, Sweet Grass Farm, LLC

By: /s/ Mark K. Silver
Mark K. Silver

Dated: March 23, 2023

SCHENCK PRICE SMITH & KING LLP

Mark K. Silver, Esq. (019752000)

220 Park Avenue

P.O. Box 991

Florham Park, New Jersey 07932

(973) 539-1000

Attorneys for Defendant, Sweet Grass Farm, LLC

<p>LAUREN KANAREK,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>MICHAEL BARISONE, SWEET GRASS FARMS, LLC, RUTH COX, JOHN DOES 1-30; ABC Corporations 1-20</p> <p style="text-align: center;">Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: MORRIS COUNTY</p> <p>DOCKET NO.: MRS-L-2250-19</p> <p style="text-align: center;">Civil Action</p> <p style="text-align: center;">CERTIFICATION OF SERVICE</p>
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I, MARK K. SILVER, of full age, hereby certifies as follows:

1. I am an attorney-at-law in the State of New Jersey and Partner with the law firm of Schenck, Price, Smith & King LLP, attorneys for Defendant Sweet Grass Farm, LLC (“Defendant”) in the above-captioned matter.

2. I submit this Certification in support of Defendant’s Opposition to Plaintiff’s Motion to Compel Discovery.

3. I hereby certify that a true and accurate copy of Defendant’s Opposition Brief, Certification of Mark K. Silver, Esq. with exhibits, and this Certification of Service were electronically filed with the Morris County Superior Court on March 23, 2023.

4. I further certify that a true and accurate copy of the aforementioned documents was served on all parties of record via electronic filing on March 23, 2023.

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

SCHENCK PRICE SMITH & KING LLP
Attorneys for Defendant, Sweet Grass Farm, LLC

/s/ Mark K. Silver

Mark K. Silver

Dated: March 23, 2023

EXHIBIT A

SCHENCK PRICE SMITH & KING LLP

Mark K. Silver, Esq. (019752000)

220 Park Avenue

P.O. Box 991

Florham Park, New Jersey 07932

(973) 539-1000

Attorneys for Defendant Sweet Grass Farm LLC

<p>LAUREN KANAREK,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>MICHAEL BARISONE, SWEET GRASS FARMS, LLC, RUTH COX, JOHN DOES 1-30; ABC Corporations 1-20</p> <p style="text-align: center;">Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION, MORRIS COUNTY</p> <p>DOCKET NO.: MRS-L-2250-19</p> <p style="text-align: center;">Civil Action</p> <p style="text-align: center;">DEFENDANT SWEET GRASS FARM LLC’S SUPPLEMENTAL NOTICE TO PRODUCE TO PLAINTIFF, LAUREN KANAREK</p>
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TO: Andrew L. O’Connor, Esq.
Nagel Rice LLP
103 Eisenhower Parkway
Roseland, NJ 07068
Attorneys for Plaintiff, Lauren Kanarek

PLEASE TAKE NOTICE that within thirty-five (35) days of service herein, pursuant to *Rule* 4:18-1, Defendant Sweet Grass Farm LLC (“Defendant”) hereby requests that you produce at the offices of Schenck, Price, Smith & King LLP, 220 Park Avenue, Florham Park, New Jersey 07932, attorneys for Defendant, and permit the party making this request to inspect and copy the designated documents and things set forth below.

SCHENCK PRICE SMITH & KING LLP
Attorneys for Defendant Sweet Grass Farm LLC

/s/ Mark K. Silver
Mark K. Silver, Esq.

Dated: July 27, 2022

DEFINITIONS

A. The term “documents” means all writings of any kind, including the originals and all non-identical copies, whether different from the originals by reason of any notation made on such copies or otherwise, including, without limitation, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, returns, summaries, pamphlets, books, interoffice and intra-office communications, notations of any sort of conversations, telephone calls, meetings or other communications, bulletins, printed matter, computer print-outs, teletypes, telefax, invoices, worksheets, all drafts, alterations, modifications, changes, and amendments of any of the foregoing, graphic or oral records or representations of any kind (including, without limitation, photographs, charts, graphs, microfiche, microfilm, videotapes, recordings, motion pictures, etc.), and any electronic, mechanical, or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings, and computer memories).

B. As hereinafter used, “documents” shall include all materials in the possession of the parties named in this demand which relate in any way to the subject matter of the within litigation.

C. “Complaint,” “claims,” “lawsuit,” and “litigation” mean the Complaint filed by Plaintiff Lauren Kanarek pending in the Superior Court of New Jersey, Law Division, Morris County, Docket No. MRS-L-2250-19.

D. “Plaintiff,” “You,” “Your,” and “Kanarek” mean the party to whom this document request is directed to answer under oath.

E. “Sweet Grass Farm LLC,” “Sweet Grass Farm,” “Sweet Grass,” and “LLC” mean Defendant Sweet Grass Farm LLC its officers, directors, agents, attorneys, servants, employees,

and representatives; and all other persons acting or purporting to act on its behalf.

F. “Communication(s)” means any meeting, conversation, discussion, correspondence, message or other occurrence whereby thoughts, opinions or data are transmitted between two or more persons.

G. “Identify”, “identity” or “identification” means, when used in reference to:

- (1) A natural person, his or her:
 - (a) full name;
 - (b) present or last known home address (including street name and number, city or town, state, zip code and telephone number);
 - (c) present or last known business address (including street name and telephone number, city or town, state, zip code, and telephone number);
 - (d) present or last known occupation, position, business affiliation and job description;
 - (e) occupation, position, business affiliation and job description at the time relevant to the particular Interrogatory being answered;
- (2) A company, corporation, association, partnership or legal entity other than a natural person:
 - (a) its full name;
 - (b) a description of the type of organization or entity;
 - (c) the full address of its principal place of business;
 - (d) the jurisdiction of incorporation or organization; and
 - (e) the date of its incorporation or organization.
- (3) A document:
 - (a) its description (for example, letter, memorandum, report);

- (b) its title;
 - (c) its date;
 - (d) the number of pages thereof;
 - (e) its subject;
 - (f) the identity of its author, signatory, or signatories and any person who participated in its preparation;
 - (g) the identity of its addressee or recipient;
 - (h) the identity of each person to whom copies are sent and each person by whom copies were received;
 - (i) its present location; and
 - (j) the identity of its present custodian. (If any such document was, but is no longer, in the possession of or subject to your control, state what disposition was made of it and when).
- (4) An oral communication:
- (a) the date and time it occurred;
 - (b) the place where it occurred;
 - (c) the complete substance of the communication;
 - (d) the identity of each person;
 - (1) to whom such communication was made;
 - (2) by whom such communication was made;
 - (3) who was present when such communication was made;
 - (e) if by telephone;
 - (1) the identity of each person:

(i) who made each call;

(ii) who participated in each call;

(2) the place where each person
participating in each call was located;

(f) the identity of all documents memorializing,
referring to or relating to in any way the
subject of the communication.

H. “Person” means a natural person, firm, proprietorship, association, partnership, corporation, or any other type of organization or entity.

I. “Property” means the property located at 411 West Mill Road, Washington Township, Morris County, New Jersey.

J. The term “injury” or “injuries” means any medical conditions, physical impairments or emotional or psychological harm and any related symptoms or side effects attributed to such medical conditions, physical impairments or emotional or psychological harm.

K. The term “incident” refers to the events alleged in Plaintiff’s Complaint.

GENERAL INSTRUCTIONS

A. Produce all documents in a form that accurately reflects how they are maintained by you in the normal course of business, including, but not limited, to the following:

(i) That all associated file labels, file headings, and file folders be produced together with the responsive documents from each file and that each file be identified as to its owner or custodian;

(ii) That all pages now stapled or fastened together be produced stapled or fastened together; and

(iii) That all documents which cannot be legibly copied be produced in their original form.

B. The terms “and” and “or” shall be construed either disjunctively or conjunctively whenever appropriate in order to bring within the scope of this Demand any documents which might otherwise be considered beyond its scope.

C. The singular form of a word shall be interpreted as plural and the plural form of a word shall be interpreted as singular whenever appropriate in order to bring within the scope of this Demand any documents which might otherwise be considered beyond its scope.

D. If you claim that any document responsive to this Demand has been lost or destroyed, or is otherwise unavailable, describe and identify each such document by stating in writing:

(i) The name of the author, the names of the persons who received the original and all copies, and the date and subject matter;

(ii) The circumstances under which each such document was lost, destroyed, or otherwise became unavailable; and

(iii) Your efforts to locate each such document.

E. If a claim of privilege is asserted with respect to any document, or your refuse to disclose any document requested herein on any other ground, specify the exact basis for your claim that such document need not be disclosed and, for each such document, state:

(i) The author and addressee(s);

(ii) The date of the document; and

(iii) The general subject matter of the document.

F. If in answering this Demand you claim any ambiguity in interpreting either the Demand or a definition or instruction applicable thereto, such claim shall not be utilized by you as a basis for refusing to respond, but there shall be set forth as part of the response the language deemed to be ambiguous and the interpretation chose or used in responding to the Demand.

G. This Demand is deemed to be continuing such that you are required to provide defendant's counsel with any responsive documents that come within your possession, custody, or control after responding to this Demand, but prior to termination of this action.

SUPPLEMENTAL NOTICE TO PRODUCE

1. Copies of any and all Twitter posts or tweets (and any replies) from the Twitter account “@Laurenkankan” for the timeframe from January 1, 2019 to present.

SCHENCK PRICE SMITH & KING LLP
Attorneys for Defendant Sweet Grass Farm LLC

/s/ Mark K. Silver
Mark K. Silver, Esq.
220 Park Avenue
P.O. Box 991
Florham Park, New Jersey 07932
Telephone: (973) 539-1000
Facsimile: (973) 540-7300
mks@spsk.com

Dated: July 27, 2022

EXHIBIT B

SCHENCK PRICE SMITH & KING LLP

Mark K. Silver, Esq. (019752000)

220 Park Avenue

P.O. Box 991

Florham Park, New Jersey 07932

(973) 539-1000

Attorneys for Defendant Sweet Grass Farm LLC

<p>LAUREN KANAREK,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>MICHAEL BARISONE, SWEET GRASS FARMS, LLC, RUTH COX, JOHN DOES 1-30; ABC Corporations 1-20</p> <p style="text-align: center;">Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION, MORRIS COUNTY</p> <p>DOCKET NO.: MRS-L-2250-19</p> <p style="text-align: center;">Civil Action</p> <p style="text-align: center;">DEFENDANT SWEET GRASS FARM LLC’S SUPPLEMENTAL NOTICE TO PRODUCE TO PLAINTIFF, LAUREN KANAREK</p>
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TO: Gregg Alan Stone, Esq.
Kirsch, Stone & Morgan
50 Park Place, Suite 401
Newark, New Jersey 07102
Attorneys for Plaintiff, Lauren Kanarek

PLEASE TAKE NOTICE that within thirty-five (35) days of service herein, pursuant to *Rule* 4:18-1, Defendant Sweet Grass Farm LLC (“Defendant”) hereby requests that you produce at the offices of Schenck, Price, Smith & King LLP, 220 Park Avenue, Florham Park, New Jersey 07932, attorneys for Defendant, and permit the party making this request to inspect and copy the designated documents and things set forth below.

SCHENCK PRICE SMITH & KING LLP
Attorneys for Defendant Sweet Grass Farm LLC

/s/ Mark K. Silver
Mark K. Silver, Esq.

Dated: March 7, 2023

DEFINITIONS

A. The term “documents” means all writings of any kind, including the originals and all non-identical copies, whether different from the originals by reason of any notation made on such copies or otherwise, including, without limitation, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, returns, summaries, pamphlets, books, interoffice and intra-office communications, notations of any sort of conversations, telephone calls, meetings or other communications, bulletins, printed matter, computer print-outs, teletypes, telefax, invoices, worksheets, all drafts, alterations, modifications, changes, and amendments of any of the foregoing, graphic or oral records or representations of any kind (including, without limitation, photographs, charts, graphs, microfiche, microfilm, videotapes, recordings, motion pictures, etc.), and any electronic, mechanical, or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings, and computer memories).

B. As hereinafter used, “documents” shall include all materials in the possession of the parties named in this demand which relate in any way to the subject matter of the within litigation.

C. “Complaint,” “claims,” “lawsuit,” and “litigation” mean the Complaint filed by Plaintiff Lauren Kanarek pending in the Superior Court of New Jersey, Law Division, Morris County, Docket No. MRS-L-2250-19.

D. “Plaintiff,” “You,” “Your,” and “Kanarek” mean the party to whom this document request is directed to answer under oath.

E. “Sweet Grass Farm LLC,” “Sweet Grass Farm,” “Sweet Grass,” and “LLC” mean Defendant Sweet Grass Farm LLC its officers, directors, agents, attorneys, servants, employees,

and representatives; and all other persons acting or purporting to act on its behalf.

F. “Michael Barisone” and “Barisone” means Defendant Michael Barisone, his officers, directors, agents, attorneys, servants, employees or representatives; and all other persons acting or purporting to act on his behalf.

G. “Communication(s)” means any meeting, conversation, discussion, correspondence, message or other occurrence whereby thoughts, opinions or data are transmitted between two or more persons.

H. “Identify”, “identity” or “identification” means, when used in reference to:

- (1) A natural person, his or her:
 - (a) full name;
 - (b) present or last known home address (including street name and number, city or town, state, zip code and telephone number);
 - (c) present or last known business address (including street name and telephone number, city or town, state, zip code, and telephone number);
 - (d) present or last known occupation, position, business affiliation and job description;
 - (e) occupation, position, business affiliation and job description at the time relevant to the particular Interrogatory being answered;
- (2) A company, corporation, association, partnership or legal entity other than a natural person:
 - (a) its full name;
 - (b) a description of the type of organization or entity;
 - (c) the full address of its principal place of business;
 - (d) the jurisdiction of incorporation or organization; and

(e) the date of its incorporation or organization.

(3) A document:

(a) its description (for example, letter, memorandum, report);

(b) its title;

(c) its date;

(d) the number of pages thereof;

(e) its subject;

(f) the identity of its author, signatory, or signatories and any person who participated in its preparation;

(g) the identity of its addressee or recipient;

(h) the identity of each person to whom copies are sent and each person by whom copies were received;

(i) its present location; and

(j) the identity of its present custodian. (If any such document was, but is no longer, in the possession of or subject to your control, state what disposition was made of it and when).

(4) An oral communication:

(a) the date and time it occurred;

(b) the place where it occurred;

(c) the complete substance of the communication;

(d) the identity of each person;

(1) to whom such communication was made;

(2) by whom such communication was made;

(3) who was present when such

communication was made;

(e) if by telephone;

(1) the identity of each person:

(i) who made each call;

(ii) who participated in each call;

(2) the place where each person participating in each call was located;

(f) the identity of all documents memorializing, referring to or relating to in any way the subject of the communication.

I. “Person” means a natural person, firm, proprietorship, association, partnership, corporation, or any other type of organization or entity.

J. “Property” means the property located at 411 West Mill Road, Washington Township, Morris County, New Jersey.

K. The term “injury” or “injuries” means any medical conditions, physical impairments or emotional or psychological harm and any related symptoms or side effects attributed to such medical conditions, physical impairments or emotional or psychological harm.

L. The term “incident” refers to the events alleged in Plaintiff’s Complaint.

M. The term “Mary Haskins Gray” means Mary Haskins Gray, her officers, directors, agents, attorneys, servants, employees or representatives; and all other persons acting or purporting to act on her behalf.

N. The term “Ruth Cox” means Defendant Ruth Cox, her officers, directors, agents, attorneys, servants, employees or representatives; and all other persons acting or purporting to act on her behalf.

GENERAL INSTRUCTIONS

A. Produce all documents in a form that accurately reflects how they are maintained by you in the normal course of business, including, but not limited, to the following:

(i) That all associated file labels, file headings, and file folders be produced together with the responsive documents from each file and that each file be identified as to its owner or custodian;

(ii) That all pages now stapled or fastened together be produced stapled or fastened together; and

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B. The terms “and” and “or” shall be construed either disjunctively or conjunctively whenever appropriate in order to bring within the scope of this Demand any documents which might otherwise be considered beyond its scope.

C. The singular form of a word shall be interpreted as plural and the plural form of a word shall be interpreted as singular whenever appropriate in order to bring within the scope of this Demand any documents which might otherwise be considered beyond its scope.

D. If you claim that any document responsive to this Demand has been lost or destroyed, or is otherwise unavailable, describe and identify each such document by stating in writing:

(i) The name of the author, the names of the persons who received the original and all copies, and the date and subject matter;

(ii) The circumstances under which each such document was lost, destroyed, or otherwise became unavailable; and

(iii) Your efforts to locate each such document.

E. If a claim of privilege is asserted with respect to any document, or your refuse to disclose any document requested herein on any other ground, specify the exact basis for your claim that such document need not be disclosed and, for each such document, state:

- (i) The author and addressee(s);
- (ii) The date of the document; and
- (iii) The general subject matter of the document.

F. If in answering this Demand you claim any ambiguity in interpreting either the Demand or a definition or instruction applicable thereto, such claim shall not be utilized by you as a basis for refusing to respond, but there shall be set forth as part of the response the language deemed to be ambiguous and the interpretation chose or used in responding to the Demand.

G. This Demand is deemed to be continuing such that you are required to provide defendant's counsel with any responsive documents that come within your possession, custody, or control after responding to this Demand, but prior to termination of this action.

SUPPLEMENTAL NOTICE TO PRODUCE

1. Produce any and all materials (including, but not limited to documents and/or recordings) that you claim contain threats by Michael Barisone against Lauren Kanarek. If you contend that they have already been produced and/or are contained in files produced by the Morris County Prosecutor's Office (or any other party to this litigation), identify the specific documents and/or recordings and identify the time stamps within any such recordings.

2. Produce any and all materials (including, but not limited to documents and/or recordings) that you claim contain threats by Mary Haskins Gray against Lauren Kanarek. If you contend that they have already been produced and/or are contained in files produced by the Prosecutor's Office (or any other party to this litigation), identify the specific documents and/or recordings and identify the time stamps within any such recordings.

3. Produce any and all agreements (including, but not limited to settlement agreements in this case) between Plaintiff and Ruth Cox.

SCHENCK PRICE SMITH & KING LLP
Attorneys for Defendant Sweet Grass Farm LLC

/s/ Mark K. Silver
Mark K. Silver, Esq.
220 Park Avenue
P.O. Box 991
Florham Park, New Jersey 07932
Telephone: (973) 539-1000
Facsimile: (973) 540-7300
mks@spsk.com

Dated: March 7, 2023

EXHIBIT C

Mark K. Silver

From: Gregg Stone <gstone@ksmlawoffice.com>
Sent: Thursday, March 9, 2023 3:06 PM
To: Mark K. Silver
Subject: Re: Kanarek v. Sweet Grass Farms, et.als.

Mark: In your brief, you argue you're entitled to question Lauren on her alleged harassment with Barisone and you claim it's part of a larger pattern. If you intend to pursue a defense that Lauren's on-line presence places her comparatively at fault for being shot, we are entitled to all discovery on that issue, including all instances of claimed harassment as stated in your brief. If a motion to compel is required, please advise. Gregg

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From: Mark K. Silver <MKS@spsk.com>
Sent: Thursday, March 9, 2023 3:00:35 PM
To: Gregg Stone <gstone@ksmlawoffice.com>
Subject: Re: Kanarek v. Sweet Grass Farms, et.als.

Gregg,

Your request seeks attorney work product. But I will double check the documents produced in discovery to make sure everything that you are entitled to has or will be produced.

Mark

Sent from my iPad

On Mar 9, 2023, at 2:54 PM, Gregg Stone <gstone@ksmlawoffice.com> wrote:

Mark- your unredacted brief identifies that SGF is aware of other instances of harassment allegedly committed by plaintiff in addition to the NC incident. Please provide that information and documentation.

Thanks.

Sent from my iPhone

EXHIBIT D

Mark K. Silver

From: Gregg Stone <gstone@ksmlawoffice.com>
Sent: Wednesday, March 15, 2023 12:55 PM
To: Mark K. Silver
Cc: Christopher Deininger
Subject: RE: NJ eCourts MOTION TO COMPEL DISCOVERY Notification - Civil Case MRS-L-002250-19

Mark: I am aware that we have yet to respond to your recovery requests. We are in the process of responding to same and intend to get you responses before the end of the month. My Motion is not violative of the Court Rule, given your position that you will never produce the requested documents based on claim of privilege. If you intend to maintain your privilege argument, I cannot withdraw my Motion, and will be happy to explain same in my Reply. If you withdraw your claim of privilege and indicate that you are working to provide me responses, I will withdraw the Motion. I know Chris did not bring up the outstanding discovery issue, but I assume he will have a similar objection. Since Chris has not provided the materials from the criminal case yet, I assume he plans on arguing that I am not entitled to same. 3/31 is the last return date before Lauren's scheduled deposition of 4/13. If defendants are in the process of producing the requested documentation, of course I will withdraw. However, if defendants maintain that I am not entitled to the requested documents as a matter of law based upon privilege and/or confidentiality, we need a Court ruling to determine the parameters of permissible discovery. Thanks. Gregg

Gregg Alan Stone, Esq.
 Kirsch, Stone & Morgan
 50 Park Place, Suite 401
 Newark, NJ 07102
 Tel. (973) 623-0100
 Fax. (973) 623-6901
 Website: ksmlawoffice.com
 Email: gstone@ksmlawoffice.com

From: Mark K. Silver <MKS@spsk.com>
Sent: Wednesday, March 15, 2023 10:18 AM
To: Gregg Stone <gstone@ksmlawoffice.com>
Cc: Christopher Deininger <chris@deiningerlaw.com>
Subject: FW: NJ eCourts MOTION TO COMPEL DISCOVERY Notification - Civil Case MRS-L-002250-19

Greg,

Just received your latest motion. You are in violation of Court rules. You are not permitted to file a Motion to Compel while your client is deficient in providing discovery. As I sent you last week, your client has not responded to discovery propounded as of July 2022. You are requested to withdraw the motion immediately.

Mark

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Mark K. Silver
 Partner
Schenck, Price, Smith & King, LLP
 220 Park Avenue | PO Box 991 | Florham Park, NJ 07932
 T: 973-798-4950 F: 973-540-7300