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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 Defendant Michael Barisone*

<p><b>LAUREN KANAREK,</b></p> <p style="text-align: center;"><i>Plaintiff,</i></p> <p><b>v.</b></p> <p><b>MICHAEL BARISONE; SWEETGRASS FARMS, LLC; RUTH COX; JOHN DOES 1-30; ABC CORPORATIONS 1-20,</b></p> <p style="text-align: center;"><i>Defendants,</i></p>	<p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p>	<p><b>SUPERIOR COURT OF NEW JERSEY LAW DIVISION – MORRIS COUNTY</b></p> <p><b>DOCKET NO.: MRS-L-2250-19</b></p>
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**CERTIFICATION OF CHRISTOPHER L. DEININGER, ESQ.,  
IN OPPOSITION TO PLAINTIFF’S ORDER TO SHOW CAUSE**

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 defendants-counterclaim-plaintiff MICHAEL BARISONE (“Mr. Barisone”). I am making this certification in opposition to the application for preliminary relief made by plaintiff LAUREN KANAREK (“Kanarek”). The statements I make herein are based upon my personal knowledge, unless noted otherwise.
  
2. Annexed hereto as **Exhibit A** is a true and accurate copy of the Answer With Counterclaim I caused to be filed in this action, on behalf of Mr. Barisone (the “Answer”).
  
3. The Answer demonstrates that the material allegations made by Ms. Kanarek are disputed.

4. The counterclaim allegations presented in the Answer include allegations that Kanarek has a significant criminal history (see counterclaim ¶ 3); a history of drug abuse (see counterclaim ¶ 4); a history of stalking, threatening and/or harassing people with whom she has conflicts (see counterclaim ¶¶ 5-6); and, a pre-incident history of threatening to use firearms against others and using a firearm to shoot at her boyfriend and/or at a motorcycle he was riding (see counterclaim ¶¶ 13-14). See ANSWER, **Exhibit A** hereto.

5. As of the date of this certification, Kanarek has not answered the counterclaim or otherwise responded to it.

6. There is a companion action pending before this Court, in Chancery, before the Honorable Maritza Berdote-Byrne, P.J.S.C., captioned Sweet Grass Farm LLC, Bonnie Lundberg and John Lundberg v. Michael Barisone and Michael Barisone Dressage Stables, LLC, Docket No. MRS-C-12-2020 (the “Chancery Action”).

7. I represent Mr. Barisone and his LLC in the Chancery Action and have personally reviewed all of the pleadings and papers thus far filed in that plenary action.

8. The subject matter of the Chancery Action is a dispute, inter alia, concerning how much equity of Sweet Grass Farm LLC is owned by Mr. Barisone in comparison to how much is owned by the Lundberg plaintiffs.

9. According to verified pleadings in the Chancery Action, both sides agree that Mr. Barisone is presently an equity stakeholder, and that Mr. Barisone’s equity stake is in excess of 40%.

10. According to verified pleadings in the Chancery Action, the business of Sweet Grass Farms LLC is to own a horse farm and lease it out (the “Farm”).

11. According to pleadings and/or other filings in the Chancery Action, the Farm has a market value in excess of \$1.5 million.

12. Based upon the foregoing, it is a matter of public record that Mr. Barisone has significant assets in the State of New Jersey, and that the allegations against him are in material dispute.

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.

A handwritten signature in black ink, appearing to read 'C. L. Deininger', is written over a horizontal line.

CHRISTOPHER L. DEININGER, ESQ.

Dated: March 12, 2020

**EXHIBIT A**

01013

**Christopher L. Deininger, Esq., N.J. Bar ID No. 004271996**  
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*Attorneys for Defendant Michael Barisone*

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**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**

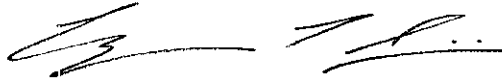
**DOCKET NO.: MRS-L-2250-19**

**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*



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

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

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

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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

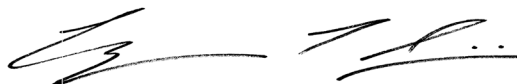


BARISONE asserts a claim for credit reducing the amount of any judgment in favor of Plaintiff against him to reflect the degree of fault to the settling defendants pursuant to Young v. Latta, 123, N.J. 584(1991).

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



# Deininger & Associates LLP

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March 14, 2020

## **VIA NJ COURTS ONLINE E-FILING**

Hon. William J. McGovern, III, J.S.C.  
Superior Court of New Jersey - Morris County  
Law Division  
Morris County Courthouse, Washington & Court Streets  
Morristown, New Jersey 07960

**RE: Lauren Kanarek, v. Michael Barisone, et al.**  
**Docket No.: MRS-L-2250-19**  
**Plaintiff's Order to Show Cause, Return Date: March 13, 2020**

Your Honor:

I represent defendant-counterclaimant Michael Barisone ( "Barisone") in the above-referenced matter. I am submitting this letter brief, in lieu of a formal one, in opposition to plaintiff Lauren Kanarek's ("Kanarek") application, made by order to show cause, for appointment of "a special fiscal agent ... to ensure that Defendant Barisone's assets are not dissipated", an order enjoining Mr. Barisone "from transferring assets absent prior permission from the ... special agent," and for other relief.

## **PRELIMINARY STATEMENT**

There are certain, undeniable truths concerning the plaintiff's papers in in support of her application for Order to Show Cause relief.

First, the application does not present any admissible evidence of actual, potential, or even imagined asset dissipation. Rather, its only sworn statement is from Ms. Kanarek in which she

purports to advise this Court of hearsay from an unidentified sources, supposedly making out-of-court assertions that Mr. Barisone is “horses.” Respectfully, such statements by Ms. Kanarek, as a matter of law, have no value as evidence and could never rise to the level of evidence which is “clear” and/or “convincing.”

Second, there is no modern precedent (binding or otherwise) supporting the imposition of pre-judgment financial restraints against what Mr. Barisone might or might not be doing with his assets. The caselaw presented by the plaintiff is from “1878” and the 1940s. And, contrary to those outdated cases, Mr. Barisone is relying upon the well-reasoned, articulate Chancery decision in *Delaware River And Bay Authority v. York Hunter Construction, Inc.*, 344 N.J. Super. 361, 781 A. 2d 1126 (Chancery Div., Atlantic County, 2001), which demonstrates that such relief is not available to Ms. Kanarek.

Accordingly, Mr. Barisone is respectfully requesting that the plaintiff’s application be denied in all respects.

### **FACTS**

Facts relevant to Mr. Barisone’s opposition to this application are set forth in two documents, namely: (a) Mr. Barisone’s Answer With Counterclaim filed in this action on or about March 2, 2020; and (b) my certification filed and served in opposition to the Order to Show Cause. Those documents are incorporated herein by reference.

This is no ordinary case, and Ms. Kanarek is no ordinary “plaintiff.”

Ms. Kanarek has a significant criminal history (including criminal assault), a history of drug use, a history of stalking, harassing, and threatening violence against people with whom she is in conflict, and a history of firearms use that includes shooting at people and/or their personal

property. See Counterclaim at ¶¶ 3-17, part of the ANSWER, **Exhibit A** to the Deininger Certification. She was living essentially as a squatter on a horse farm where Mr. Barisone operated his world-class, Olympic level, dressage equestrian training facility. Id.

Through discovery provided to Mr. Barisone's attorneys by the Morris County Prosecutor's Office, there are 10,000s of pages of rants on social media by Ms. Kanarek through which she harassed and even threatened harm against people, including Mr. Barisone and the people in his employ and care on the horse farm. Indeed, there are in excess of forty (40) CD/DVD disks of materials if social media postings, text messages, interviews, Kanarek medical records (including, I am advised, records supportive of Mr. Barisone's defense and counterclaims), and the like, through which Mr. Barisone will defend against Ms. Kanarek's claims here and through which Mr. Barisone will pursue his counterclaims against Ms. Kanarek.

The counterclaim allegations tell the story of how Ms. Kanarek stalked, harassed and threatened Mr. Barisone, intentionally inflicting upon him emotional harm and distress of such magnitude that she cause the incident to occur. See Counterclaim at ¶¶ 3-17, part of the ANSWER, **Exhibit A** to the Deininger Certification. The counterclaim allegations assert that this was part of an established pattern of conduct by Ms. Kanarek against people she wanted to manipulate and/or destroy. Id.

The pleadings now before this Court demonstrate that the material facts are in dispute, and in dispute for good and material reasons.

**ARGUMENT**

**POINT I**

**THERE IS NO EVIDENCE BEFORE THE COURT  
CAPABLE OF SUPPORTING THE APPLICATION FOR RELIEF**

Under New Jersey law, all motions for relief (including those made by order to show cause) must be supported by “affidavits based upon personal knowledge.” R. 1:6-6, “Evidence on Motions; Affidavits.” The only exception to that rule is that the Court is permitted to consider facts either “appearing in the record” or those subject to judicial notice. Id.

Trial courts are obligated to enforce the Court Rules and should not entertain motions where a party has proceeded in violation of R. 1:6-6. See Estate of Kennedy, 447 N.J. Super. at 456 (Appellate Division admonishing Morris County Superior Court that “Rule 1:6-6 and its implicit prohibition – explicit in the rule's comments – against attorneys filing certifications not based on firsthand knowledge serve a salient purpose[;] Attorneys should comply with the rule and the trial courts should enforce it.”) See also Mazur v. Crane’s Mill Nursing Home, 441 N.J. Super. 168, 180 (App. Div. 2015); and Celino v. General Acc. Ins., 211 N.J. Super. 538, 544 (App. Div. 1986) (rejecting “the critical documents” because they “were merely annexed to [a] trial brief” rather than presented through an affidavit or testimony.) It is harmful, reversible error to entertain applications for relief without admissible evidence demonstrated to be based on personal knowledge. Id.

Here, the plaintiff’s application is wholly lacking. Ms. Kanarek does not attest that her statements are based in her personal knowledge. See Kanarek Affidavit. She is attempting to attest to an “understanding” she claims to have developed, based on hearsay provided “through [unidentified] contacts [i.e., more than one] in the equestrian industry”, whatever that might mean. See Kanarek Affidavit, ¶ 6. From there she offers for the “truth” of the matter, her claim that



“Defendant Barisone is in the process of attempting to sell several horses.” Id. That is the only support we are offered – an understanding that is most certainly hearsay but might well be double, triple, or even quadruple hearsay. Id.

What relevance is her assertion that Mr. Barisone could be selling his horses? We have no facts demonstrate any relevance such as, for example, any facts capable of demonstrating that Mr. Barisone is engaging in an effort to put assets beyond the reach of his *actual* creditors.<sup>1</sup> Inadmissible hearsay allegations, we submit, cannot rise to the level of “admissible” evidence let alone evidence which could ever be “clear and convincing.”

Respectfully, this application fails as a matter of law due to a dearth of evidence and violation of R. 1:6-6. There is no admissible evidence before the Court relevant to the draconian application for pre-judgment financial restraints and/or “special agent” controls, assuming for the sake of argument that such relief is even available under New Jersey law.

## **POINT II**

### **THE RELIEF SOUGHT IS NOT AVAILABLE IN NEW JERSEY, EVEN IF PLAINTIFF MET THE REQUIREMENTS UNDER CROWE**

Is a plaintiff asserting an unliquidated claim for potential damages entitled, without more, to pre-judgment relief protecting against a defendant’s lack of assets to satisfy a judgment? Under New Jersey law, the answer is “No.”

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<sup>1</sup> Ma. Kanarek is not an “actual” creditor of Mr. Barisone at this point in time. Like all civil litigants professing to have a viable claim for damages, Ms. Kanarek is but a *potential* creditor. She cannot become an actual one unless or until she prevails on the merits of her claim, and even then will not be an actual creditor unless she is awarded damages in excess of reductions for comparative fault, set-offs and the like.

The right to preliminary relief for financial restraints against a defendant is governed by the four part test established under Crowe v. DeGioia, 90 N.J. 126, 447 A. 2d 173 (1982). Relief must be denied unless the moving party (Ms. Kanarek) can establish by clear and convincing evidence that she is threatened with substantial, immediate, and irreparable harm. Id. at 132. Ms. Kanarek must establish through admissible evidence, (a) that there is a reasonable probability of eventual success on the merits in accordance with well settled principles of New Jersey law, (b) that the material facts underlying the claim are not in material dispute, and (c) that the harm to the plaintiff if the injunction does not issue is more severe than the harm to the defendant if the injunction is granted. Id. at 132-135.

“It is universally accepted that ‘[t]he availability of adequate monetary damages belies a claim of irreparable injury.’” Delaware River and Bay Authority v. York Hunter Construction, Inc., 344 N.J. Super. 1126, 1128 (Chancery, Atlantic County 2001), citing Frank’s GMC Truck Center v. General Motors Corp., 874 F. 2d 100, 102 (3<sup>rd</sup> Cir. 1988). “This is because economic injury is not irreparable.” Id., citing Sampson v. Murray, 415 U.S. 61, 90, 94 S. Ct. 937, 39 L. Ed. 166 (1974). See also Crowe v. DeGioia, *supra*, 90 N.J. at 132-133 (“Harm is generally considered irreparable in equity if it cannot be redressed adequately by monetary damages.”).

**Interlocutory injunctions to preserve future money judgments address the harm suffered by a plaintiff who may succeed at trial only to have an unrecoverable judgment.** Many courts have objected that this harm does not arise from the original lis and that it is a remedial complication of all litigation which, unless it comes within the terms of the appropriate attachment statutes, cannot be the subject of an injunction. **This is not ‘irreparable harm’ for which damages would be inadequate, one might continue, because the mere fact that a defendant has insufficient assets to satisfy a judgment does not ‘harm’ the plaintiff during the pendency of the litigation.** It merely makes it more difficult for her to remedy the harm that has already been suffered.

Delaware River and Bay Authority v. York Hunter Construction, Inc., 344 N.J. Super. at 1128.

“Damage” arising from a defendant’s lack of assets to satisfy a claim is not the type of damage which New Jersey courts can or should address through pre-judgment restraints. Id. at 1129-1130. What the plaintiff is seeking here, essentially, is pre-judgment attachment without meeting the rigorous requirements of N.J.S.A. §§ 2A:26-1, et. seq. The New Jersey Legislature *did not* authorize pre-judgment attachment as a remedy against a defendant accused to asset dissipation. Id.

There is no evidence of asset dissipation by Mr. Barisone. There is no evidence of any special duty or legal right (such as an escrow contract, or legislatively-created pre-judgment lien mechanism) available to Ms. Kanarek to control Mr. Barisone’s financial decisions or assets prior to a final judgment on the merits. As a matter of law, there is no showing of irreparable harm. Delaware River and Bay Authority v. York Hunter Construction, Inc., 344 N.J. Super. at 1128.

Ms. Kanarek’s application fails as well under the remaining Crowe factors. The disputed, material facts demonstrate that Ms. Kanarek does not a clear legal right to prevail on the merits, or on a likely path to obtain a judgment for damages against Mr. Barisone in excess of his countervailing claims against her and/or his numerous defenses (most notably, comparative fault). See ANSWER & COUNTERCLAIM, Deininger Certif. **Exhibit A.** Moreover, there is no meaningful attempt by Ms. Kanarek to demonstrate, by admissible evidence, a tipping of the scale of equity in her favor.

“Life is structure so that a litigant can’t always get what is wanted. Equity should and does intervene when it can prevent the injury which would otherwise give rise to an action for money; [but] it can not and should not intervene to insure that the money will be available [eventually satisfy a judgment].” Delaware River and Bay Authority v. York Hunter Construction, Inc., 344

N.J. Super. at 1130.

**CONCLUSION**

For the forgoing reasons, Mr. Barisone is respectfully asking this Court to deny the plaintiff's application for relief.

Submitted Respectfully,

**DEININGER & ASSOCIATES, LLP**

A handwritten signature in black ink, appearing to read 'C. L. Deininger', is written over a horizontal line.

Christopher L. Deininger, Esq.

cc: All counsel of record