

GREGG ALAN STONE, ESQ.
ID#: 000221987
KIRSCH, STONE & MORGAN
50 PARK PLACE - SUITE 401
NEWARK, NEW JERSEY 07102
Attorney for Plaintiff Lauren Kanarek
(973) 623-0100

LAUREN KANAREK,

Plaintiff(s),

VS.

MICHAEL BARISONE, SWEETGRASS
FARMS, LLC, RUTH COX, JOHN DOES
1-30, and ABC CORPORATIONS 1-20,

Defendant(s)

} SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MORRIS COUNTY
DOCKET NO. MRS-L-2250-19

CIVIL ACTION

**NOTICE OF MOTION TO COMPEL
DOCUMENTS**

TO: Mark K. Silver, Esq.
Schenck Price Smith & King
220 Park Avenue
P.O. Box 991
Florham Park, New Jersey 07932
Attorneys for Defendant Sweet Grass Farm, LLC

TO: Christopher L. Deininger, Esq.
Deininger & Associates, LLP
415 Route 10, Suite 1
Randolph, New Jersey 07869
Attorneys for Defendant Michael Barisone

SIRS:

PLEASE TAKE NOTICE that on **Friday, March 31, 2023 at 9:00 a.m.**, or as soon thereafter as counsel may be heard, the undersigned, attorney for plaintiff Lauren Kanarek, shall apply to the above named Court for an Order Compelling the Production of Documents.

PLEASE TAKE FURTHER NOTICE that we shall rely upon the attached Certification of Counsel in support of this Motion.

ARBITRATION:	NONE
PRE-TRIAL CONFERENCE:	NONE
CALENDAR CALL:	NONE
TRIAL DATE:	NONE

Pursuant to R.1:6-2(c), the undersigned hereby:

- () waives oral argument and consents to disposition on the papers.
- () requests oral argument if Motion is contested.
- (**X**) requests oral argument.

A proposed form of Order is annexed hereto.

KIRSCH, STONE & MORGAN, P.A.



BY: GREGG ALAN STONE

DATED: March 15, 2023

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) LAW DIVISION: MORRIS COUNTY
) **DOCKET NO. MRS-L-2250-19**
)
) CIVIL ACTION
)
)
) **ORDER**
)
)
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)

This matter having been brought before the Court on Motion of Gregg Alan Stone, Esq., of the law firm of Kirsch, Stone & Morgan, P.A, attorneys for plaintiff Lauren Kanarek, for an Order to compel discovery, due notice of the application having been given to the attorneys for defendant(s) and the Court having read and considered all of the moving papers submitted, and for good cause shown

IT IS ON THIS DAY OF 2023;

ORDERED that defendant Barisone shall produce any and all pleadings, filings, Orders, and related Appeals from State v. Barisone, subject to a protective Order, within five days of entry hereof; and it is further

ORDERED that defendant Sweet Grass Farm shall produce all documents responsive to plaintiff's request for any and all documents related to or touching upon

“instances of alleged harassment” known to defendant Sweet Grass Farm, within five days of entry hereof; and it is further

ORDERED that a copy of this Order shall be served upon all counsel in this action within _____ days of the date hereof.

, J.S.C.

____ Opposed
____ Unopposed

GREGG ALAN STONE, ESQ.
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Attorney for Plaintiff Lauren Kanarek
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} **DOCKET NO. MRS-L-2250-19**

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CERTIFICATION OF COUNSEL

I, **GREGG ALAN STONE, ESQ.**, hereby certify as follows:

1. I am an attorney-at-law of the State of New Jersey and a member of the firm of Kirsch, Stone & Morgan, P.A., attorneys for plaintiff Lauren Kanarek. I am fully familiar with the facts of this case.

2. This high-profile negligence action arises out of the shooting of plaintiff Lauren Kanarek by defendant Michael Barisone, while plaintiff was residing on the property owned by defendant Sweet Grass Farm ("SGF").

3. On March 8, 2023, plaintiff requested that defendant Barisone provide all pleadings, filing, Orders, and related Appeals from defendant Barisone's criminal trial, State v. Barisone.

4. Defendant Barisone did not respond. Plaintiff followed up with defendant Barisone the following day, March 9, 2023.

5. To date, plaintiff has not received a response to her request from defendant Barisone.

6. Plaintiff acknowledges that the requested pleadings, filings, Orders, and Appeals are filed under seal of confidentiality. Plaintiff advised defendant Barisone that plaintiff would execute a consent protective Order regarding these documents.

7. All pleadings, filing, Orders, and related Appeals in the Barisone criminal matter are relevant to plaintiff's prosecution of her civil lawsuit, and her defense to Barisone's Counterclaim, and are discoverable.

8. In addition, defendant SGF wrote in its most recent Brief that plaintiff has engaged in other alleged instances of harassment. SGF cited a redacted filing, and indicated that the [redacted] incident is not the only [incident of alleged harassment] known to SGF."

9. After receiving defendant SGF's Brief, plaintiff requested any and all documents related to or touching upon "instances of alleged harassment" known to defendant SGF.

10. In response, defendant SGF indicated that plaintiff was not entitled to responsive documents to her request, claiming same are subject to the work-product privilege.

11. If defendant SGF seeks to defend on the basis that plaintiff is comparatively responsible for being shot because she engaged in other instances of alleged harassment, plaintiff is entitled to all related discovery. Presumably, defendant SGF seeks to question plaintiff regarding these alleged instances of harassment. Plaintiff's deposition is scheduled for April 13, 2023.

12. Plaintiff has an absolute right to this relevant discovery in the possession of defendant SGF, particularly since defendant SGF has admitted in filings to the Court that it seeks to rely upon same to argue the comparative fault of plaintiff.

13. Defendant SGF has not met its burden regarding claimed work-product privilege.


14. Based on the foregoing, plaintiff respectfully requests that the Court enter an Order compelling defendant Barisone to produce all pleadings, filings, Orders, and related Appeals from State v. Barisone, subject to a protective Order.

15. Plaintiff further respectfully requests that the Court enter an Order compelling defendant SGF to produce all documents responsive to plaintiff's request for any and all documents related to or touching upon "instances of alleged harassment" known to defendant SGF.

16. Plaintiff respectfully requests that the requested discovery be provided within five days of entry of the within Order, given that plaintiff's deposition is currently scheduled for April 13, 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 are willfully false, I am subject to punishment.

KIRSCH, STONE & MORGAN, P.A.



By: _____
GREGG ALAN STONE, ESQ.

DATED: March 15, 2023

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CERTIFICATION OF MAILING

I certify that the original and copy of the within Cross-Notice of Motion has been forwarded to the Motions Clerk at the **Morris County Superior Court, Court and Washington Streets. Morristown, New Jersey 07960** and a copy served upon:

TO: Mark K. Silver, Esq.
Schenck Price Smith & King
220 Park Avenue
P.O. Box 991
Florham Park, New Jersey 07932
Attorneys for Defendant Sweet Grass Farm, LLC

TO: Christopher L. Deininger, Esq.
Deininger & Associates, LLP
415 Route 10, Suite 1
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BY: GREGG ALAN STONE, ESQ.

DATED: March 15, 2023

