

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 EXTEND DISCOVERY

RETURNABLE: FRI. 2/17/2023

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, February 17, 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 extending the discovery period.

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.
- () requests oral argument.

A proposed form of Order is annexed hereto.

KIRSCH, STONE & MORGAN, P.A.


BY: GREGG ALAN STONE

DATED: January 27, 2023

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

) CIVIL ACTION

) **ORDER EXTENDING DISCOVERY**

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 extend 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 as follows:

1. The parties are to serve additional written discovery requests on or before March 9, 2023;
2. Deposition of plaintiff Lauren Karanek to be completed on or before March 30, 2023;
3. Deposition of defendants Sweet Grass Farm and Michael Barisone to be completed on or before June 15, 2023;

4. Deposition of fact witnesses to be completed on or before June 15, 2023;
5. Plaintiff's liability and medical expert reports to be served on or before August 15, 2023;
6. Defendant's disability and medical expert reports to be served on or before October 15, 2023;
7. Expert depositions to be completed on or before December 15, 2023;
8. A case management conference be scheduled on or around July 1, 2023;
9. The discovery end date for this matter be extended to December 15, 2023;
10. 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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CIVIL ACTION

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 Karanek by defendant Michael Barisone, while plaintiff was residing on the property owned by defendant Sweet Grass Farm.

3. The Complaint was filed in this matter on October 18, 2019 by plaintiff's predecessor counsel, Nagel Rice.

4. On October 23, 2020 a case management order was entered into with consent of counsel by the Honorable William J. McGovern, III, J.S.C. (Exhibit "A" – 10/23/20 Case Management Order).

5. On April 15, 2021, Judge McGovern entered a second case management order. (Exhibit "B" – 4/15/21 Case Management Order).

6. On July 27, 2021, Judge McGovern stayed all case management deadlines due to the ongoing criminal prosecution of defendant Barisone. As part of the Order, no depositions of any party or fact witnesses were permitted until the Barisone criminal matter concluded. (Exhibit "C" – 7/27/21 Order).

7. On September 10, 2021 the Honorable Louis S. Sceusi, JSC, re-affirmed that all case management deadlines were stayed until the criminal prosecution of defendant Barisone concluded. Judge Sceusi also re-affirmed that no depositions of any party or fact witness occur until the criminal matter is concluded. (Exhibit "D" – 9/10/21 Order).

8. On April 29, 2022, Judge Sceusi lifted the prior stay orders and set down a discovery schedule for paper discovery to be completed by August 1, 2022 and fact witness depositions to be completed by November 30, 2022. (Exhibit "E" – 4/29/22 Order).

9. Following the April 29, 2022 case management, the parties engaged in discovery practice, including obtaining 81 audio files, call logs, test logs and social media data from the Morris County Prosecutors Office, pursuant to court orders on June 14, 2022 and November 14, 2022.

10. On October 4, 2022 the parties participated in a case management conference before Michael Eisner, Esq., extending deadlines. Judge Sceusi memorialized those dates in an Order. (Exhibit "F" – 1/20/23 Order).

11. Also, on November 14, 2022, Judge Sceusi denied defendants' motions to hold plaintiff's parents in contempt of court for failing to respond to defendant's subpoena; granted defendant Barisone's Motion to Amend its Answer; granted plaintiff's motion to quash the subpoenas and denied plaintiff's motion for a protective order.

12. On December 22, 2022, plaintiff Lauren Karanek retained plaintiff's present counsel, Kirsch, Stone & Morgan to represent her in the matter.

13. On December 23, 2022, the Substitution of Attorney was filed with the Court.

14. During the holidays, Kirsch, Stone & Morgan was provided with plaintiff's file, which is voluminous. The undersigned was on vacation from December 23, 2022 to January 3, 2023.

15. On January 12, 2023, the undersigned and defense counsel appeared via zoom before Michael Eisner, Esq. for purposes of case management. I advised Mr. Eisner that my law firm was recently retained and I was in the process of reviewing the file, but was not in a position to have meaningful case management discussions. Mr. Eisner suggested that counsel confer and work out a joint case management schedule, notwithstanding that a prior case management with Mr. Eisner occurred on October 4, 2022. Mr. Eisner suggested filing a new motion to extend discovery with the updated, agreed-upon dates.

16. On January 24, 2023, the undersigned conferred with defense counsel via zoom conference and jointly agreed to the following proposed schedule:

- a. The parties to serve additional written discovery requests on or before March 9, 2023;

- b. Deposition of plaintiff Lauren Karanek to be completed on or before March 30, 2023;
- c. Deposition of defendants Sweet Grass Farm and Michael Barisone to be completed on or before June 15, 2023;
- d. Deposition of fact witnesses to be completed on or before June 15, 2023;
- e. Plaintiff's liability and medical expert reports to be served on or before August 15, 2023;
- f. Defendant's liability and medical expert reports to be served on or before October 15, 2023;
- g. Expert depositions to be completed on or before December 15, 2023;
- h. A case management conference be scheduled on or around July 1, 2023;
- i. The discovery end date for this matter be extended to December 15, 2023.

17. Based on the foregoing, plaintiff respectfully requests that the Court enter a case management order consistent with counsels' joint agreement outlined in paragraph 15 above.

18. Attached is a copy of the proposed case management order.

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: January 27, 2023

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CERTIFICATION OF MAILING

I certify that the original and copy of the within 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
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Attorneys for Defendant Michael Barisone

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BY: GREGG ALAN STONE, ESQ.

DATED: January 27, 2023

