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HARRY A. MARGOLIS  
(1928-2002)

October 12, 2022

**VIA ECOURTS**

Honorable Louis S. Sceusi, JSC  
Morris County Superior Court  
Washington & Court Streets  
Morristown, NJ 07960

**Re: Kanarek v. Barisone, et al.**  
**Docket No.: MRS-L-2250-19**

Dear Judge Sceusi:

Please be advised we represent Plaintiff with regard to the above-referenced matter. Yesterday, the prosecutor's office filed a proposed Order under the 5 Day Rule. Please accept this as Plaintiff's objection to entering this Order.

Upon Defendant Michael Barisone shooting Lauren Kanarek, the Morris County prosecutor's office gathered extensive materials and evidence. The relevant evidence so gathered was then turned over to the parties in this companion civil case. As the Court has been informed on numerous occasions, this has included thousands of messages, emails, texts, photos, etc.

The prosecutor's office did not turn over irrelevant personal data and materials, which were not connected with the parties or shooting.

Upon conversation with the Prosecutor's office, as part of this order the defense counsel in this case are seeking the complete cell phone contents of three cell phones, owned by Lauren Kanarek, Michael Barisone, and non-party Rob Goodwin. This would include all pictures on the cell phones, whether it was relevant or germane to this case or not. All text messages with their parents, shopping lists, personal photos, financial information, etc. In short, a host of personal data, not in any way relevant or germane to the case, which is not discoverable. Further, some of the messages and information may be covered by privilege.

More glaringly offensive, they are seeking this information for a non-party to this case, Robert Goodwin. They are seeking Mr. Goodwin's personal financial information contained on his phone, personal messages he may have had with his family, all kinds of information which is not discoverable, not relevant to this case, and to which they are not entitled. More shockingly, they are seeking this improper information not on notice to Mr. Goodwin, who has not been copied on any of the correspondence or subpoenas. If they want materials from Mr. Goodwin, they can serve a subpoena on him, and he can respond accordingly.

With regard to Plaintiff, they can serve discovery requests on Plaintiff, and she can respond accordingly. If the Court is even in any way inclined to allow any such production by the prosecutor's office, it must be done to Plaintiff first, who can then review the materials for privilege, relevance, etc.

As such, we object to the Order, and respectfully request that it not be entered. It is respectfully requested that this can be addressed at oral argument when the other pending motions are addressed.

Respectfully,

***Andrew L. O'Connor***

Andrew L. O'Connor

AOC/lis

cc: All Counsel (via ecf)