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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

PLAINTIFF'S BRIEF IN OPPOSITION TO DEFENDANTS' MOTIONS FOR
CONTEMPT AND IN SUPPORT OF PLAINTIFF'S CROSS-MOTION TO QUASH
SUBPOENAS

Gregg Alan Stone
Of Counsel and on the Brief

Ronald J. Morgan
On the Brief

PRELIMINARY STATEMENT

Defendants Sweet Grass Farms, Inc. ("SGF") and Michael Barisone filed Motions to place the parents of shooting victim Lauren Kanarek in contempt of Court. The Motions grossly mischaracterize the facts and procedural history in a thinly veiled attempt to attribute relevance to the harassing subpoenas served on Lauren's parents, Jonathan and Kirby Kanarek. It is necessary to refocus the issues of this litigation, and litigate the relevant matters.

This civil lawsuit, unlike the criminal prosecution, centers primarily around SGF's breach of duty to Lauren (its invitee) to provide a safe place to live, train, and ride, free of danger, including gun violence. The secondary focus is on Barisone's assault and battery (and attempted murder) of Lauren. To be clear, Barisone's abhorrent conduct is secondary in this litigation, only because a jury already found, beyond a reasonable doubt, that Barisone attempted to murder Lauren and illegally possessed a gun for that purpose. All facts related to that issue are subject to collateral estoppel, and all relevant discovery sought under the current subpoenas was previously exchanged by the parties over the last 3 years. There is nothing remaining to litigate regarding Barisone's liability for the assault, battery, and attempted murder of Lauren. The only issue outstanding regarding defendant Barisone is the quantum of damages.

Defendants engaged in a campaign of harassment and continue to promulgate this circus side-show. It must stop. The subpoenas against Jonathan and Kirby Kanarek should be quashed (again). Obviously, defendants can depose Jonathan and Kirby Kanarek, wherein the defendants can ask relevant questions and seek relevant discovery.

However, these duplicative, burdensome, and overbroad subpoenas are not the appropriate vehicle for legitimate discovery.

Defendants' Motions for Contempt should be denied. Plaintiff's Cross-Motion to Quash should be granted.

FACTUAL BACKGROUND

The Defense sought the need to regale the Court with the factual background in their Briefs supporting these discovery Motions. Defendants Motions are riddled with inaccuracies, red herrings, and misrepresentations. Plaintiff will attempt to clarify the record.

On August 7, 2019, Barisone was a tenant of SGF. He was evicted after he attempted to murder Lauren. As of August 7, 2019, Lauren was Barisone's subtenant at SGF, and timely paid substantial sums of \$5000-\$6000/month to him. On August 7, 2019, Barisone attempted to murder Lauren on SGF's property. A unanimous criminal jury found that Barisone committed attempted murder, but then adjudicated him to be criminally insane. Given his murderous conduct, Barisone is being held at Greystone Psychiatric Park, until he is no longer a threat to himself or others. Also, on August 7, 2019, Barisone shot at Lauren's boyfriend, Michael Goodwin.

Lauren moved to SGF's property in May of 2018. According to documents filed by Barisone in Landlord-Tenant Court (in SGF's eviction proceeding against Barisone), the majority owners of SGF, the Lundbergs, had full and complete knowledge of Lauren's living arrangement at SGF. According to Barisone, SGF gave its consent to Lauren's living arrangement for over a year prior to the shootings. SGF's characterization of Lauren as a "trespasser" is patently absurd. If SGF had issue with Lauren living on its

property, it should have taken it up with Barisone in the 15 months prior to Barisone taking his illegally stored firearms on SGF's property and shooting Lauren. SGF cannot maintain a "trespass" defense, and plaintiff will address that issue accordingly at the appropriate juncture.

In their Briefs on these discovery Motions, the defense stresses the feud between Lauren and Barisone, which was longstanding, and culminated in Barisone shooting Lauren. As owner of the property and landlord, SGF was the party responsible for the safety of its invitees on the property. Curiously, to plaintiff's benefit, SGF embraces this longstanding feud as if it somehow creates a liability defense under the law. It does not.

In its current papers, SGF points out that there is over 14,000+ pages of public social media posts detailing the dangerous feud between SGF tenant Barisone and subtenant Lauren. Additionally, SGF highlights that its managing members and majority shareholders were active in the horse-riding riding community, along with defendant Barisone and Lauren. Certainly, SGF is and would have been necessarily familiar with Safesport and the riding forums allegedly utilized by Lauren to voice her complaints over Barisone's intolerable behavior towards Lauren on SGF's property. Most damning, SGF underscores to the Court that it knew that the police were called to SGF's property at least 6 (six) times in the days before defendant Barisone went on his murderous rampage. SGF took no action to stop Barisone from attempting to kill Lauren.

Missing from SGF's recital of the factual background is any reference to attempts by SGF to address the ever-escalating, physically dangerous, life-threatening feud on its property between its invitees. Instead, SGF did absolutely nothing while Barisone plotted

his crime, obtained the gun (illegally), stored the gun (illegally), proceeded to Lauren's residence, shot her, and shot at her boyfriend.

PROCEDURAL HISTORY

Without provocation, or any basis in fact, defendants blindly assert that the non-party Kanareks are willfully disregarding subpoenas and Court Orders. That is a blatant misrepresentation to the tribunal. Further, defendants unprovoked, vicious personal attacks against Jonathan and Kirby Kanarek show that defendants desire to only harass the Kanareks – not seek relevant discovery.

Defendants' current Motions are practically carbon copies of their prior applications to the Court regarding already quashed subpoenas. As to the the initial quashed subpoenas, defendants falsely claimed that they received "no response from [the Kanareks] and/or anyone purporting to contact [defense counsel] on [their] behalf." That is untrue. As noted in plaintiff's prior filings, prior counsel reached out to the defense several times to discuss the subpoenas before Motion practice was initiated. Plaintiff's counsel's attempts went ignored.

Regarding the current subpoenas, which are the subject of the instant filings, all parties were aware that plaintiff retained the undersigned as new counsel just before Christmas. The document production and filings in this matter are voluminous. Plaintiff's current counsel was working diligently to familiarize himself with the file and work with defendants to develop a workable discovery schedule, including seeking defense counsel's consent for additional time to oppose the current subpoenas.

In the instant application, SGF's Brief shockingly begins with "[i]n what should be a shock to – NO ONE – non-party Jonathan Kanarek thumbs his nose at the New Jersey

legal system and ignores validly issued subpoenas and Court Orders.” Similarly, Barisone says, without any factual basis “my subpoena has been ignored. I have received no response from Kirby Kanarek and/or anyone purporting to contact me on her behalf.” These statements are false and misleading.

Both defendants conveniently ignore that plaintiff’s current counsel advised that he would be moving to quash the subpoenas issued to the Kanareks. All counsel understood. Defense counsel said Motions to compel would be filed, and plaintiff would oppose accordingly. As the Court is aware, Motions to Compel were not filed. Instead, Motions for Contempt were.

Mr. and Mrs. Kanarek are not ignoring subpoenas. They turned the subpoenas over to their daughter’s counsel. Plaintiff’s counsel – on the prior subpoenas and on the instant ones – acknowledged receipt and advised Motions to quash would be filed. These unwarranted personal attacks are shameful attempts to color the Court against the victim of a violent shooting and her parents. Such tactics have no place in the litigation. Plaintiff is not obstructing relevant discovery. However, harassment should not be tolerated.

THE COURT'S PRIOR NOVEMBER 14, 2022 ORDER

In the Court's November 14, 2022 Statement of Reasons, it correctly acknowledged the right of plaintiff and Mr. and Mrs. Kanarek to challenge the validity of the subpoenas. In fact, the Court held that if plaintiff's arguments are valid, they would "indeed constitute justification for noncompliance, and hence, Plaintiff's parents have a right to test that issue before being ordered to comply, or before being held in contempt." See **Exhibit "C"** to Defendant Barisone's Motion. Plaintiff and her parents should be granted a similar opportunity on the new subpoenas to challenge their validity.

The November 14, 2022 Statement of Reasons continues, "[m]anifestly, the subpoena of Kirby Kanarek and Jonathan Kanarek issued by counsel for Defendants are hereby quashed as overbroad and unduly burdensome."

LEGAL ARGUMENT

POINT I
THE SUBPOENAS AGAINST JONATHAN AND KIRBY KANAREK SHOULD BE QUASHED

The subpoenas issued against Jonathan and Kirby Kanarek should be quashed as they are oppressive, overly burdensome, duplicative, harassing, and seek irrelevant information. Based upon conversations with defense counsel, it is anticipated that defense counsel will argue that plaintiff does not have standing to quash these subpoenas. That argument is contrary to Judge Sceusi's November 14, 2022 Order acknowledging plaintiff's right to quash and granting plaintiff's Motion for same. The argument that plaintiff lacks standing to quash also runs afoul of our Court Rules, which do not limit a party's ability to quash a subpoena served on a non-party.

Generally, while serving a subpoena on a non-party is sanctioned by the Rules,

there are appropriate and necessary limits. See Berrie v. Berrie, 188 N.J. Super. 274, 282 (Ch. Div. 1983). Courts are empowered to quash subpoenas “if compliance would be unreasonable or oppressive.” R.1;9-2; State v. Cooper, 2 N.J. 540, 557 (1949). “Discovery is intended to lead to facts supporting or opposing an asserted legal theory; it is not designed to lead to formulation of a legal theory.” Camden Cty. Energy Recovery Assocs. v. N.J. Dept. of Env'tl. Prot., 320 N.J. Super. 59, 64 (App. Div. 1999), aff'd o.b., 170 N.J. 246 (2001).

When dealing with subpoenas, there will always be burdens levied on the individuals from whom information is sought. When the burdens outweigh the benefits the tools of discovery become, intentionally or unintentionally, weapons of oppression. This possibility has become apparent when only parties are involved and deserves close scrutiny with respect to interests of a non-party. See Berrie, 188 N.J. Super. at 283. It is generally stated that the subject of a subpoena must be specified with reasonable certainty and there must be a substantial showing that the evidence sought to be adduced “is relevant and material to the issues of the case.” See State v. Cooper, 2 N.J. at 556 (emphasis added); Wasserstein v. Swern and Co., 84 N.J. Super. 1, 6-7 (App. Div. 1964).

N.J.R.E. 401 defines relevance as having a “tendency in reason to prove or disprove any fact of consequence to the determination of the action.” In Simon v. Graham Bakery, 17 N.J. 525, 530 (1955), the Supreme Court held that the appropriate test to determine relevancy was its probative value respecting the points in issue. See also State v. Hutchins, 241 N.J. Super. 353, 358 (App. Div. 1990). Therefore, the requirements of relevancy prohibit a party from engaging in a “fishing expedition” which was described by the Court in F.T.C. v. American Tobacco Co., 264 U.S. 298, 306 (1921), as a search

through private papers “in the hope that something will turn up.” In the determination of whether proffered evidence is relevant, the Court's inquiry should focus upon “the logical connection between the proffered evidence and a fact in issue.” Furst v. Einstein Moomiy, Inc., 182 N.J. 1, 15 (2004) (citations omitted).

A. Most of the Requests in the Subpoenas Are Exact Word-for-Word Repeats of Defendants' Initial Subpoenas and Have Already Been Quashed by Judge Sceusi's November 14, 2022 Order.

In quashing the initial subpoenas issued by defendants, Judge Sceusi found each and every request to be “overbroad and unduly burdensome.” Without addressing the merits of each and every request (which plaintiff is addressing in the instant application), Judge Sceusi ruled that the requests may be re-served if they are “more specific in scope.” See Exhibit “C” to Defendant Barisone’s Motion. In blatant disregard of Judge Sceusi's Order, requests numbers 3, 4, and 5 in the subpoena to Jonathan Kanarek, and request numbers 1, 2, 3, 4, and 6 in the subpoena to Kirby Kanarek are word for word identical to the initial subpoenas. See Exhibit “A”, Initial Subpoenas, and **Exhibit “B”**, Re-Served Subpoenas.

Defendants may be unhappy with Judge Sceusi’s ruling, but defendants must abide by it. Defendants are not permitted to simply reissue identical requests, while simultaneously levying inaccurate personal attacks against the non-party Kanareks. To borrow a phrase from defendant SGF, to re-serve the exact same requests which have already been quashed constitutes defendants “thumbing their noses” at the Court’s prior ruling. Since they have been ruled on already, requests numbers 3, 4, and 5 in the subpoena to Jonathan Kanarek, and request numbers 1, 2, 3, 4, and 6 in the subpoena to Kirby Kanarek should be quashed at the outset. Law of the case dictates that result.

B. The Subpoenas Should be Quashed as they are Oppressive and Seek Duplicative Information

The thrust of the subpoenas seek inter-family communications and recordings from three and a half years ago. To be clear, Plaintiff's parents are not parties to the case, and did not witness the shooting.

Any and all audio and video recordings taken at the premises of the shooting which were in any way relevant to the incident were already obtained by the Morris County Prosecutor, produced to defendant Barisone in the criminal trial, and then again produced by Barisone himself in this very case to all parties, including SGF. As has been previously highlighted in Motion practice regarding the initial subpoenas, defendants are seeking reproduction of items already in their possession. There is no need for the Kanareks to go through the incredible burden and oppressive expense to gather what they may or may not possess, since the defendants are in possession of the entire universe of those recordings. The only logical basis for these continued requests is to harass. These requests should be quashed.

Likewise, requests seeking transcriptions of the above-referenced recordings should be quashed. Again, defendants already have these recordings in their possession, and defendant Barisone himself produced them in this matter. It is illogical to seek transcripts of recordings from non-parties when the defendants have the actual recordings. Transcripts of these recordings are not relevant nor are they likely to lead to relevant discovery.

Regarding text messages and electronic communications, defendants seek an inordinate amount of communications, between a non-Party husband and wife, and their

shooting-victim daughter. This is nothing more than a blatant fishing expedition in an attempt to harass the parents of the plaintiff.

Further, and perhaps most material, like the recordings mentioned above, all the emails and texts between plaintiff and her parents were already obtained by the Morris County Prosecutor as part of the criminal prosecution, and produced to the defendant in that matter, and were then produced by defendant Barisone in this matter to all parties, including SGF. Defendants already have the information they request from Mr. and Mrs. Kanarek.

If the defendants are actually seeking relevant discovery, they can depose Mr. and Mrs. Kanarek. The subpoenas are duplicative and extremely burdensome for the non-party elderly parents of the plaintiff, and the defendants already have the materials referenced in the subpoenas. The subpoenas should be quashed.

C. The Subpoenas Should be Quashed Because they Seek Irrelevant Information

i. The Subpoena Issued by SGF to Jonathan Kanarek

The claims against SGF relate to its failure to provide its invitee and subtenant, plaintiff Lauren, a safe place to live, ride, and train, free of danger, including gun violence. SGF has no counterclaim against Lauren. Barisone shot Lauren on SGF property. This is not in dispute. Similarly, Barisone committed attempted murder against Lauren. This is also not in dispute. Also, Barisone possessed a gun illegally for the attempted murder of Lauren on SGF property. This is also not in dispute. Given these undisputed claims and related legal findings, none of the information sought by SGF is relevant in any way to its failure to provide Lauren a safe place.

Certainly, SGF is not suggesting that Lauren somehow deserved to be shot by the homicidal Barisone on SGF property. If SGF is making that claim, it should file an amended Answer. Otherwise, any requests contained in the subpoena have absolutely no relevance to SGF's failure to provide Lauren with a safe place to live, train, and ride, free of gun violence. In fact, because SGF failed to provide for Lauren's safety, Lauren and her boyfriend were forced to make their own recordings in an attempt to protect their lives. SGF has all relevant recordings.

Further, as noted in SGF's own recitation of the facts, SGF is (and was) acutely aware of the dangerous feud that escalated between Barisone and Lauren on its property in the months and days leading up to the shooting. Any argument that the requested text messages and/or recordings (which SGF already possesses) further its defense is nonsensical. Lauren did not contribute to Barisone pulling the trigger, twice, on SGF property. The information sought by the subpoena is irrelevant and will not lead to any permissible discoverable information. It should be quashed.

ii. The Subpoena Issued by Barisone to Kirby Kanarek

Plaintiff acknowledges that defendant Barisone has a counterclaim against plaintiff. That counterclaim is specious, and plaintiff anticipates obtaining summary judgment on same at the close of discovery. However, even with defendant Barisone's counterclaim, the subpoenaed requests to Mrs. Kanarek are irrelevant. Barisone already obtained all this subpoenaed information in his defense of his criminal trial. He then served it on all parties in the civil matter. There is no additional information to be provided. The immense and nearly indescribable burden and expense placed upon the Kanareks

to produce information that the parties already possess (and information that has been disseminated by Barisone) is overbearing and entirely unnecessary.

These almost exact repetitive subpoenas requesting either irrelevant or duplicative information are improper mechanisms to obtain impermissible discovery.

POINT II
CONTEMPT IS NOT AN APPROPRIATE SANCTION AGAINST THE KANAREKS

The subpoenas against Jonathan and Kirby Kanarek should be quashed. However, if the Court does not quash them, Mr. and Mrs. Kanarek should not be held in contempt. Contrary to the baseless claims of the defendants, neither Mr. nor Mrs. Kanarek ever ignored the subpoenas. As the defense is aware, Mr. Kanarek was a member of the bar, and lodging such accusations against him and his wife are uncalled for. Rather, the Kanareks turned the subpoenas over to their daughter's counsel (both prior and current), who had conversations regarding the subpoenas with defense counsel, and discussed motion practice.

As Judge Sceusi correctly held, plaintiff, Mr. Kanarek, and Mrs. Kanarek have the right to challenge the validity of the subpoenas. In fact, the Court held that if plaintiff's arguments are valid, plaintiff's arguments "indeed constitute justification for noncompliance, and hence, Plaintiff's parents have a right to test that issue before being ordered to comply, or before being held in contempt."

Following Judge Sceusi's well-reasoned holdings, contempt of Court in this instance is unduly harsh. Instead, should the Court disagree with plaintiff's Cross-Motion to Quash, the Court should give Jonathan and Kirby Kanarek sufficient time to retain counsel and respond to the subpoenas accordingly.

POINT III
PLAINTIFF DOES NOT OBJECT TO DEPOSITIONS OF JONATHAN AND KIRBY
KANAREK

If defendants seek relevant discovery, plaintiff does not object to the depositions of Jonathan and Kirby Kanarek. During depositions, defendants can ask relevant questions and seek whatever relevant discovery they desire. However, these overbroad and unduly burdensome subpoenas are not the proper mechanism to obtain discovery in this matter.

CONCLUSION

For the reasons articulated above, plaintiff's Cross-Motion to Quash the subpoenas upon Jonathan and Kirby Kanarek should be granted. In the alternative, Jonathan and Kirby Kanarek should not be held in contempt of Court.

Respectfully submitted.

KIRSCH, STONE & MORGAN, P.A.


By: Gregg Alan Stone

EXHIBIT "A"

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-Counterclaim-Plaintiff Michael Barisone

LAUREN KANAREK,	:	SUPERIOR COURT OF NEW
	:	JERSEY LAW DIVISION – MORRIS
<i>Plaintiff,</i>	:	COUNTY
v.	:	
	:	
MICHAEL BARISONE; SWEETGRASS	:	DOCKET NO.: MRS-L-2250-19
FARMS, LLC; RUTH COX; JOHN	:	
DOES 1-30; ABC CORPORATIONS 1-	:	
20,	:	
	:	
<i>Defendants,</i>	:	

SUBPOENA DUCES TECUM

STATE OF NEW JERSEY TO:

KIRBY KANAREK
4 Wilshire Drive
Livingston, NJ 07039

SIR/MADAM:

YOU ARE HEREBY COMMANDED to appear in the above-captioned action on August 11, 2022, at 10:00 a.m., at the offices of DEININGER & ASSOCIATES LLP, 415 Route 10, Suite 1, Randolph, NJ 07869, attorneys for defendant-counterclaim-plaintiff MICHAEL S. BARISONE, and at the date, time and place, produce the following documents, records and/or things:

1. Each and every audio recording in your possession, custody and/or control, containing, and/or purporting to contain, a record of sound occurring on the premises of the real property located at 411 W. Mill Road, Long Valley, New Jersey (hereinafter, the "Premises"), including but not limited to sound recordings made in the farm house, the barn/stable, the club room, the garages, the arenas, the locker area, and/or in any other area, structure, and/or space (including outdoor spaces) located on the Premises;

2. **With respect to the audio recordings called for production in paragraph “1” above (collectively, the “Audio Recordings”), each and every transcription of the Audio Recordings in your possession, custody and/or control, which document or purport to document sound recorded on the Premises, including but not limited to professionally-prepared transcriptions, electronically-generated transcriptions, and/or transcriptions prepared by you and/or any other persons not licensed or certified as a professional court reporter;**
3. **Each and every video recording in your possession, custody and/or control, containing, and/or purporting to contain, video/photographic record of events taking place on the Premises, including but not limited to video/photographic records made in the farm house, the barn/stable, the club room, the garages, the arena, the locker area, and/or in any other area, structure, and/or space (including outdoor spaces) located on the Premises;**
4. **With respect to the video/photographic records called for production in paragraph “3” above (collectively, the “Video Recordings”), each and every transcription of the Video Recordings in your possession, custody and/or control, which document or purport to document events taking place on the Premises, including but not limited to professionally-prepared transcriptions, electronically-generated transcriptions, and/or transcriptions prepared by you and/or any other persons not licensed or certified as a professional court reporter;**
5. **Any and all electronic communications (including but not limited to emails, text messages, and/or “shared” files) between or among you, Jonathan Kanarek and/or Robert Goodwin, including but not limited to any communications containing, and/or purporting to contain, any of the Audio Recordings and/or Video Recordings called for production by this Subpoena.**
6. **Any and all other documents, records, files, and/or electronic records evidencing and/or reflecting the creation, existence, preservation, enhancement, and/or distribution of Audio Recordings and/or Video Recordings called for production by this Subpoena.**

***CERTIFIED RECORDS WILL BE ACCEPTED IN LIEU OF APPEARANCE.**

Please be advised that you may not produce or release any of the documents requested by this Subpoena before August 11, 2022. Furthermore, if you are notified that a motion to quash this Subpoena has been filed, you may not produce or release the documents required until either ordered by the Court, or all parties consent thereto.

Failure to appear according to the command of this Subpoena will subject you to a penalty, damages in a civil suit and punishment for contempt of Court.

DEININGER & ASSOCIATES, LLP

*Attorneys for Defendant-
Counterclaim-Plaintiff Barisone*

By: /s/ Christopher L. Deininger
Christopher L. Deininger, Esq.

/s/ Michelle M. Smith
Michelle M. Smith
Clerk of the Superior Court

Dated: July 12, 2022

cc:

Andrew L. O'Connor, Esq.
Nagel Rice LLP
103 Eisenhower Parkway
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Mark Silver, Esq.
Schenck Price
220 Park Avenue, P.O. Box 991
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Lane M. Ferdinand, Esq.
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SCHENCK PRICE SMITH & KING LLP

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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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SUBPOENA DUCES TECUM**STATE OF NEW JERSEY TO:****Jonathan S. Kanarek****4 Wilshire Drive****Livingston, New Jersey 07039****SIR:**

YOU ARE HEREBY COMMANDED to attend and give testimony on **August 16, 2022**, at 10:00 a.m., at Schenck Price Smith & King LLP, 220 Park Avenue, P.O. Box 991, Florham Park, New Jersey 07932, attorneys for defendant, Sweet Grass Farm LLC ("Sweet Grass"), in the above-entitled action, and produce at the same time and place, the following:

1. Any and all written communications (including emails and/or texts) between you and Robert Goodwin regarding Michael Barisone and/or the Property located at 411 W. Mill Road, Long Valley, New Jersey during the time frame of January 1, 2019 to present. This request shall be interpreted to include, but not limited, to any written communications containing audio and/or video recordings sent to you by Mr. Goodwin between August 1, 2019 and December 31, 2019.
2. Any and all written communications (including emails and/or texts) between you and Lauren Kanarek regarding Michael Barisone and/or the Property located at 411 W. Mill Road, Long Valley, New Jersey during the time frame of January 1, 2019 to present. This request shall be

interpreted to include, but not limited, to any written communications containing audio and/or video recordings sent to you by Lauren Kanarek between August 1, 2019 and December 31, 2019.

3. Any and all written communications (including emails and/or texts) between you and Michael Barisone during the time frame between January 1, 2019 to December 31, 2019.
4. Any and all written communications (including emails and/or texts) between you and Steve Tarshis during the time frame between January 1, 2019 to December 31, 2019.
5. Any and all written communications (including emails and/or texts) between you and John Lundberg and/or Bonnie Lundberg during the time frame between January 1, 2019 to December 31, 2019.

***CERTIFIED RECORDS WILL BE ACCEPTED IN LIEU OF APPEARANCE ***

Please be advised that you may not produce or release any of the documents requested by this Subpoena before **August 16, 2022**. Furthermore, if you are notified that a motion to quash the Subpoena has been filed, you may not produce or release the documents required until either ordered by the Court, or all parties consent thereto.

Failure to appear according to the command of this Subpoena will subject you to a penalty, damages in a civil suit and punishment for contempt of Court.

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

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

Michelle M. Smith
Michelle M. Smith
Clerk of the Superior Court

Dated: July 26, 2022

cc: Andrew L. O'Connor, Esq.
Nagel Rice, LLP
103 Eisenhower Parkway, Suite 103
Roseland, New Jersey 07068
Attorneys for Plaintiff

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>
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AMENDED SUBPOENA DUCES TECUM

STATE OF NEW JERSEY TO:

**Jonathan S. Kanarek
4 Wilshire Drive
Livingston, New Jersey 07039**

SIR:

YOU ARE HEREBY COMMANDED to attend and give testimony on **December 2, 2022**, at 10:00 a.m., at Schenck Price Smith & King LLP, 220 Park Avenue, P.O. Box 991, Florham Park, New Jersey 07932, attorneys for defendant, Sweet Grass Farm LLC (“Sweet Grass”), in the above-entitled action, and produce at the same time and place, the following:

- 1. Any and all written communications (including emails and/or texts) between you and Robert Goodwin regarding Michael Barisone and/or the Property located at 411 W. Mill Road, Long Valley, New Jersey during the time frame of July 1, 2019 to September 30, 2019. This request shall be interpreted to include, but not limited, to any written communications containing audio and/or video recordings sent to you by Mr. Goodwin between July 1, 2019 and September 30, 2019.**
- 2. Any and all written communications (including emails and/or texts) between you and Lauren Kanarek regarding Michael Barisone and/or the Property located at 411 W. Mill Road, Long Valley, New Jersey during the time frame of July 1, 2019 to September 15, 2019. This request shall**

be interpreted to include, but not limited, to any written communications containing audio and/or video recordings sent to you by Lauren Kanarek between August 1, 2019 and December 31, 2019.

3. Any and all written communications (including emails and/or texts) between you and Michael Barisone during the time frame between January 1, 2019 to December 31, 2019.
4. Any and all written communications (including emails and/or texts) between you and Steve Tarshis during the time frame between January 1, 2019 to December 31, 2019.
5. Any and all written communications (including emails and/or texts) between you and John Lundberg and/or Bonnie Lundberg during the time frame between January 1, 2019 to December 31, 2019.

***CERTIFIED RECORDS WILL BE ACCEPTED IN LIEU OF APPEARANCE ***

Please be advised that you may not produce or release any of the documents requested by this Subpoena before **December 2, 2022**. Furthermore, if you are notified that a motion to quash the Subpoena has been filed, you may not produce or release the documents required until either ordered by the Court, or all parties consent thereto.

Failure to appear according to the command of this Subpoena will subject you to a penalty, damages in a civil suit and punishment for contempt of Court.

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

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

Michelle M. Smith
Michelle M. Smith
Clerk of the Superior Court

Dated: November 18, 2022

cc: Andrew L. O'Connor, Esq.
Nagel Rice, LLP
103 Eisenhower Parkway, Suite 103
Roseland, New Jersey 07068
Attorneys for Plaintiff

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Attorneys for Defendant-Counterclaim-Plaintiff Michael Barisone

LAUREN KANAREK,	:	SUPERIOR COURT OF NEW
	:	JERSEY LAW DIVISION – MORRIS
<i>Plaintiff,</i>	:	COUNTY
	:	
v.	:	
	:	
MICHAEL BARISONE; SWEETGRASS	:	DOCKET NO.: MRS-L-2250-19
FARMS, LLC; RUTH COX; JOHN	:	
DOES 1-30; ABC CORPORATIONS 1-	:	
20,	:	
	:	
<i>Defendants,</i>	:	

REVISED SUBPOENA DUCES TECUM

STATE OF NEW JERSEY TO:

KIRBY KANAREK
4 Wilshire Drive
Livingston, NJ 07039

SIR/MADAM:

YOU ARE HEREBY COMMANDED to appear in the above-captioned action on December 15, 2022, at 10:00 a.m., at the offices of DEININGER & ASSOCIATES LLP, 415 Route 10, Suite 1, Randolph, NJ 07869, attorneys for defendant-counterclaim-plaintiff MICHAEL S. BARISONE, and at the date, time and place, produce the following documents, records and/or things:

1. Each and every audio recording in your possession, custody and/or control, containing, and/or purporting to contain, a record of sound occurring on the premises of the real property located at 411 W. Mill Road, Long Valley, New Jersey (hereinafter, the "Premises"), including but not limited to sound recordings made in the farm house, the barn/stable, the club room, the garages, the arenas, the locker area, and/or in any other area, structure, and/or space (including outdoor spaces) located on the Premises;

2. With respect to the audio recordings called for production in paragraph "1" above (collectively, the "Audio Recordings"), each and every transcription of the Audio Recordings in your possession, custody and/or control, which document or purport to document sound recorded on the Premises, including but not limited to professionally-prepared transcriptions, electronically-generated transcriptions, and/or transcriptions prepared by you and/or any other persons not licensed or certified as a professional court reporter;
3. Each and every video recording in your possession, custody and/or control, containing, and/or purporting to contain, video/photographic record of events taking place on the Premises, including but not limited to video/photographic records made in the farm house, the barn/stable, the club room, the garages, the arena, the locker area, and/or in any other area, structure, and/or space (including outdoor spaces) located on the Premises;
4. With respect to the video/photographic records called for production in paragraph "3" above (collectively, the "Video Recordings"), each and every transcription of the Video Recordings in your possession, custody and/or control, which document or purport to document events taking place on the Premises, including but not limited to professionally-prepared transcriptions, electronically-generated transcriptions, and/or transcriptions prepared by you and/or any other persons not licensed or certified as a professional court reporter;
5. Any and all electronic communications (including but not limited to emails, text messages, and/or "shared" files) between or among Kirby Kanarek, Lauren Kanarek, Jonathan Kanarek, and/or Robert Goodwin, that were sent, received, transmitted and/or exchanged, during the time period from January 2019 through September 2019, that concern any and/or all of the following subjects:
 - a. Barisone;
 - b. Lauren Kanarek's disputes with Barisone;
 - c. Mary Haskins and/or her children;
 - d. Video recording, video recording files, and/or video recording activities and/or video recording equipment;
 - e. Audio recordings, audio recording files, and/or audio recording activities and/or audio recording equipment;
 - f. The Audio Recordings called for production by this Subpoena; and/or
 - g. The Video Recordings called for production by this Subpoena.
6. Any and all other documents, records, files, and/or electronic records evidencing and/or reflecting the creation, existence, preservation, enhancement, and/or distribution of Audio Recordings and/or Video Recordings called for production by this Subpoena.

***CERTIFIED RECORDS WILL BE ACCEPTED IN LIEU OF APPEARANCE.**

Please be advised that you may not produce or release any of the documents requested by this Subpoena before December 15, 2022. Furthermore, if you are notified that a motion to quash this Subpoena has been filed, you may not produce or release the documents required until either ordered by the Court, or all parties consent thereto.

Failure to appear according to the command of this Subpoena will subject you to a penalty, damages in a civil suit and punishment for contempt of Court.

DEININGER & ASSOCIATES, LLP
Attorneys for Defendant-
Counterclaim-Plaintiff Barisone

By: /s/ Christopher L. Deininger
Christopher L. Deininger, Esq.

/s/ Michelle M. Smith
Michelle M. Smith
Clerk of the Superior Court

Dated: November 17, 2022

cc:

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