



MORRIS COUNTY PROSECUTOR'S OFFICE

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Christoph K. Kimker
Chief of Detectives

October 11, 2022

Hon. Louis S. Sceusi, J.S.C.
Morris County Courthouse
Morristown, N.J. 07963
- via eCourts -

RE: Kanarek v. Barisone, et. al.
MRS-L-2250-19

Your Honor:

Please accept this letter requesting a Court Order directing production of certain items from the Morris County Prosecutor's investigative file, specifically forensic data extractions from the cell phones of Lauren Kanarek, Michael Barisone and Robert Goodwin, pursuant to a *subpoena duces tecum* from a party to the above-captioned matter, Sweet Grass Farms, LLC ("SGF").

In May 2022, after the trial of the parallel criminal matter, State v. Michael Barisone, Indictment No. 19-12-999-I, the Morris County Prosecutor's Office ("MCPO") produced over 30,000 pages of documentary materials, over 1,500 photos, and approximately 35 other items of media in compliance with SGF's *subpoena duces tecum*. The MCPO withheld production of privileged or protected materials.¹

The MCPO also withheld a number of other items that are not typically produced pursuant to civil subpoena, but indicated to SGF that the Prosecutor's Office would address any specific demands for such items on a case-by-case basis. Subsequently, Mark Silver, Esq., counsel for SGF, has requested production of certain items, specifically, forensic data extractions from three cell phones recovered during the criminal investigation² and more specifically identified as: Morris County Sheriff's Office Item Number 1 (Samsung cell phone), Morris County Sheriff's Office Item Number 14 (Apple iPhone), and Morris County Sheriff's Office Item Number 26 (Verizon

¹ For example: work product; Division of Child Protection and Permanency (DCPP) records; grand jury materials; and/or search warrants and their accompanying papers.

² These forensic extractions were previously provided to Michael Barisone, a party to the instant civil matter, consistent with the criminal discovery rules. Forensic extractions of Item Numbers 1 and 26 were provided without redactions; forensic extraction of Item Number 14 was redacted before production.

Galaxy cell phone).

Given the nature of the aforementioned items, the State respectfully requests that This Court enter an Order directing production of these audio files pursuant to SGF's *subpoena duces tecum* if the items are deemed necessary according to the terms of the *subpoena*.

By copy of this letter, the State gives notice to the civil parties and interested individuals pursuant to the five day rule.

Sincerely,

/s/ christopher schellhorn

Christopher Schellhorn
Chief Assistant Prosecutor
Attorney ID# 001342009

cc: all parties to civil matter (via eCourts)
file

ROBERT CARROLL – NJ ID: 022031978
MORRIS COUNTY PROSECUTOR
By: Christopher F. Schellhorn – NJ ID: 001342009
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Attorney for non-party Morris County Prosecutor’s Office

	:		SUPERIOR COURT OF NEW JERSEY
LAUREN KANAREK,	:		COUNTY OF MORRIS
Plaintiff,	:		LAW DIVISION – CIVIL
	:		
v.	:		
	:		DOCKET NO. MRS-L-2250-19
MICHAEL BARISONE, SWEET,	:		
GRASS FARMS, LLC, RUTH	:		ORDER OF COURT
COX, et. al.	:		
Defendant.	:		
	:		

This matter having been opened to the Court by the non-party Morris County Prosecutor’s Office, Chief Assistant Prosecutor Christopher F. Schellhorn appearing, for an Order directing production of certain items from the Morris County Prosecutor’s Office investigative file pursuant to Defendant Sweet Grass Farm’s *Subpoena Duces Tecum*, and the Court having considered a letter submitted herein, and for good cause having been shown;

IT IS ON THIS ____ DAY OF _____, 2022, ORDERED that the non-party Morris County Prosecutor’s Office shall produce forensic data extractions from three cell phones recovered during the criminal investigation; specifically, **Morris County Sheriff’s Office Item Number 1, Morris County Sheriff’s Office Item Number 14** (redacted), and **Morris County Sheriff’s Office Item Number 26**. Production of said forensic extractions shall occur no later than 10 days from the date of This Order.

IT IS FURTHER ORDERED that the production of said forensic extractions shall be consistent with and protected by the June 23, 2021 Confidentiality Stipulation and Protective Order previously entered by the Hon. William J. McGovern, III, J.S.C.

HON. LOUIS S. SCEUSI, J.S.C.

