

# Schenck Price

SCHENCK PRICE SMITH & KING, LLP

Serving Our Clients and Community  
For Over 100 Years

**Mark K. Silver**

Admitted in NJ, NY & PA

Direct Line: 973-798-4950

Email: Mks@spsk.com

220 Park Avenue

PO Box 991

Florham Park, NJ 07932

Telephone: 973-539-1000

Fax: 973-540-7300

www.spsk.com

October 12, 2022

**VIA E-FILING AND E-MAIL**

Hon. Louis S. Sceusi, J.S.C.  
Morris County Superior Court  
Washington & Court Streets  
P.O. Box 910, 2<sup>nd</sup> Floor  
Morristown, New Jersey 07963

**RE: Lauren Kanarek v. Sweet Grass Farm, LLC, et al.  
Docket No.: MRS-L-2250-19**

Dear Judge Sceusi:

As you are aware, this firm represents Defendant, Sweet Grass Farm LLC (“SGF” or “Defendant”) with regard to the above-captioned matter.

We write to join in the Morris County Prosecutors Office’s (“MCPO”) request for entry of its 5-day Order and in response to Plaintiff’s October 12, 2022, letter objecting to same.

To be blunt, the discovery positions taken by Plaintiff in this latest letter are absurd, frivolous, and bordering on obstructionist. It cannot be understated that the position taken by Plaintiff in the current letter to the Court is diametrically opposite to the position taken by Plaintiff in her responses to interrogatories and document responses. In addition, Plaintiff’s current positions are untimely and have been waived.

First, SGF started this whole process by asking Plaintiff for the requested information now sought from the MCPO. Plaintiff did not object to any of the requests. Rather, Plaintiff did not produce them claiming she did not have the information in her possession. (See Lauren Kanarek’s responses to SGF’s Document Requests at #12, 17, 21 and 22 attached hereto as **Exhibit A**). For Plaintiff to now write to the Court and say, SGF “should serve discovery requests” is absurd. SGF did serve discovery requests! Plaintiff responded that she did not have the information and SGF moved on to obtain the information from other sources.

Second, to be clear, SGF already has copies of the documents it seeks to obtain from the MCPO. They are contained in the production of documents made by Defendant Barisone months ago (July 29, 2022). Barisone obtained the documents from the MCPO during the criminal trial and produced them to all parties. Again, at no point in time did Plaintiff, upon receipt of Barisone’s

{02905304.DOCX;1 }

production, object to the production of these materials (nor could she as there is no good faith basis to do so). All parties are entitled to a level playing field and access to the same information. Barisone's production accomplished that.

The only reason that SGF has made a request for the original materials from the MCPO is for chain of custody issues related to this vital evidence. SGF is preparing for a trial in this case and has no doubt that if it does not have the materials directly from the sources that retrieved the information, Plaintiff will make every attempt to challenge the authenticity of this damaging evidence. Make no mistake, contrary to Plaintiff's descriptions of the evidence sought, the texts of Lauren Kanarek and Robert Goodwin are a treasure trove of damaging admissions that establish that SGF is not liable to Plaintiff and that Plaintiff is at least 51% comparatively liable. A brief sampling of the texts in question can be found attached hereto at **Exhibit B**. (Highlights added for ease of reference.)<sup>1</sup> Also, as noted by the exhibit sticker on Page 1 of the text log, upon information and belief, the documents at issue were entered into evidence (or at least marked for identification) at the criminal trial.

Next, Plaintiff's argument regarding Robert Goodwin is equally hollow. First, to date, Nagel Rice has not advised anyone it represents Goodwin. Second, Plaintiff is fully aware that Goodwin is not currently within the state lines and, therefore, absent unnecessary expense and effort is not currently subject to New Jersey's subpoena powers. Conversely, the MCPO is right around the corner and is fully within this Court's subpoena powers.

It is axiomatic that the scope of discovery in New Jersey is broad in nature. The text logs in questions directly discuss the issues in this case. Some of Plaintiff's text messages were discussed during her criminal court testimony on the record. If Plaintiff wants to argue at trial that any singular text is not admissible, that is an argument for another day, but Plaintiff's current objection that SGF is not entitled to discover the information does not pass the "red face test", and any other objections to production have been long since waived.

Again, it appears that Plaintiff's entire discovery strategy can best be described as "obstruction" and "delay". Plaintiff refuses to be deposed in person (in a case she initiated) and is attempting to obstruct the collection of discoverable evidence. For all the foregoing reasons, the MCPO's Order should be entered.

SGF is available for oral argument should the Court wish to hear from the parties on this issue.

---

<sup>1</sup> Due to potential personal identifiers, SGF is filing a redacted version of this Exhibit on the public docket.



The Honorable Louis S. Scausi, J.S.C.

October 12, 2022

Page 3 of 3

We thank the Court for its attention to this matter.

Respectfully submitted,

SCHENCK PRICE SMITH & KING LLP

*/s/ Mark K. Silver*

Mark K. Silver

MKS/  
Enc.

cc: All Counsel of Record (via e-filing)

# **EXHIBIT A**

BRUCE H. NAGEL  
NJ ID NO.: 025931977  
NAGEL RICE, LLP  
103 Eisenhower Parkway  
Roseland, NJ 07068  
973-618-0400  
Attorneys for Plaintiff

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

To: Mark K. Silver, Esq.  
COUGHLIN DUFFY LLP  
350 Mount Kemble Avenue  
P.O. Box 1917  
Morristown, New Jersey  
Attorneys for Defendant, Sweet Grass Farm, LLC

COUNSEL:

**GENERAL OBJECTIONS TO THE SUPPLEMENTAL INTERROGATORIES AND  
NOTICE TO PRODUCE**

1. Plaintiff objects to the Uniform Form A Interrogatories and Supplemental Interrogatories (hereinafter the "Interrogatories") to the extent that the Interrogatories seek to impose requirements that are inconsistent with, or beyond those contemplated by, the New Jersey Rules of Civil Procedure or other applicable Court Rules. Plaintiff objects

**REQUESTS FOR PRODUCTION**

1. Any and all documents identified or requested to be identified in Sweet Grass Farm LLC's accompanying Supplemental Interrogatories to Plaintiff Lauren Kanarek.

**See answers to interrogatories and supplemental interrogatories.**

2. Any and all documents reviewed by you or anyone acting on your behalf in the preparation of your responses to Sweet Grass Farm LLC's accompanying Supplemental Interrogatories.

**None in Plaintiff's possession.**

3. Any and all documents that support the claim in Paragraph 5 of Your Complaint that you were "lawfully on the subject porch".

**I am not in possession of a signed lease. I believe me father has cancelled rent checks. See attached for several of the rent checks.**

4. Any and all documents that support your claims that Sweet Grass Farm LLC engaged in "an extracted and protracted campaign" of harassment as set forth in Paragraph 6 of your Complaint.

**Objection, calls for a legal conclusion. Without waiving, and subject to said objection see attached.**

5. Any and all documents that support your claims that any defendant in this litigation engaged in "an extracted and protracted campaign" of harassment as set forth in Paragraph 6 of your Complaint.

**Objection, calls for a legal conclusion. Without waiving, and subject to said objection see attached.**

6. Any and all documents that support your claims that Sweet Grass Farm LLC "allowed, permitted, suffered or otherwise condoned firearms to be present on the Property" as set forth in Paragraph 14 of your Complaint.

**See answers to interrogatories.**

7. Any pictures, films or videotapes, and or audio recordings that were taken while Plaintiff was on the subject property.

**See attached. Most of the videos and audio recordings were taken by police as part of the criminal investigation of Defendant Barisone. I have asked for my items back but the police won't return yet.**

8. Any and all documents regarding your employment/work history for the last five (5) years, including your employment/work for Sweet Grass Farm LLC, Barisone Dressage, and/or Michael Barisone.

**None in Plaintiff's possession.**

9. Any and all documents regarding previous lawsuits or judicial proceedings you have been involved in.

**None in Plaintiff's possession.**

10. Any and all documents (other than those already produced) regarding the injuries you sustained on August 7, 2019.

**See attached.**

11. Any and all documents that you provided to any government official, law enforcement officials, and/or any investigating agency related to the incident described in your Complaint.

**See attached reports. No other ones in Plaintiff's possession.**

12. Any and all documents that you provided to any government official, law enforcement officials, and/or any investigating agency related to the incident described in your Complaint.

**See attached reports. No other ones in Plaintiff's possession.**

13. Any and all documents and/or statements that you provided to the U.S. Center for Safesport regarding the incident described in your Complaint.

**See attached.**

14. Any and all documents and/or statements that you provided to the U.S. Center for Safesport regarding Michael Barisone.

**See attached.**

15. Any and all documents and/or statements that you provided to the U.S. Center for Safesport your ability to compete in any equestrian events.

**See attached.**

16. Any and all statements obtained from or given by any person having personal knowledge of facts relevant to the subject matter of this lawsuit (including without limitation the parties and other witnesses) and any documents containing or referring to any such statements.

**None in plaintiff's possession**

17. Any and all diaries, calendars, date books, websites, blog posts, message boards, chat rooms, social media posts, or electronic postings, where you have communicated or posted information regarding your injuries or the allegations in the Complaint.

**I am not in physical possession of any of those, to the extent they exist they are publically online.**



18. Any and all reports, summaries or other documents prepared by you regarding the subject matter of this litigation.

**Objection, this request is not understood.**

19. Any and all copies in your possession of any newspaper, magazine or journal articles, and all videotapes, audio tapes and transcripts of any television or radio programs regarding the subject matter of this litigation.

**See attached.**

20. Any and all notes or documents regarding your communications with news agencies, publications, TV stations, or reporters.

**None in Plaintiff's possession.**

21. Any and all recordings or transcripts of 911 calls you made regarding Michael Barisone, John Lundberg, Bonnie Lundberg, or any other matter while residing at 411 West Mill Road, Washington Township, New Jersey.

**None in Plaintiff's possession.**

22. Any and all documents, including but not limited to text messages and or emails, regarding communications with Michael Barisone, Ruth Cox, Bonnie Lundberg, and John Lundberg regarding the allegations in your Complaint or the subject matter of this lawsuit.

**To the extent responsive documents exist, they are Plaintiff's phone, which is in the possession of the police.**

23. Any and all documents, receipts, or work orders regarding improvements or modifications made by you to 411 West Mill Road, Washington Township, New Jersey, including, but not limited to, security devices, cameras, or electronic equipment.

**None in Plaintiff's possession.**

24. Any and all documents evidencing You competing in Dressage competition from August 7, 2019 to present including but limited to awards, standings, results, and/or payment of entry fees.

**I believe I have competed in 2 shows since the shooting. I don't believe I have any documents in my possession regarding these two shows.**

25. Any and all Releases, Covenants Not to Sue, or any other settlement documents between you and any other person or entity relating in any way to the injuries alleged in this lawsuit.

**None in Plaintiff's possession.**

26. Any and all documents you intend to introduce as evidence at trial or otherwise rely upon for any purpose, including as demonstrative exhibits.

**Objection, premature. Without waiving and subject to said objection, see documents attached, and documents previously produced. Plaintiff reserves the right to amend this response up to and included the time of trial.**

26. Any and all documents setting forth the qualifications of any witness retained by you as an expert.

**Objection, to the extent this request seeks information regarding experts not to be utilized at the time of trial. Without waiving, and subject to said objection, expert disclosures to be provided within the timelines set down by the Court.**

27. Any and all reports, prepared in whole or in part, by each witness retained by you as an expert.

**Objection, to the extent this request seeks information regarding experts not to be utilized at the time of trial. Without waiving, and subject to said objection, expert disclosures to be provided within the timelines set down by the Court.**

28. Any and all documents relied upon by any witness you intend to offer to testify as an expert in this proceeding.

**Objection, to the extent this request seeks information regarding experts not to be utilized at the time of trial. Without waiving, and subject to said objection, expert disclosures to be provided within the timelines set down by the Court.**

29. Any and all photographs, drawings, slides, movies, day-in-the-life films, or video tapes, edited and unedited, relating to the allegations that form the basis of this lawsuit or any other facts relevant to your condition(s), the nature or cause of your injuries, or any of the claims in this suit, whether or not the material is expected to be introduced into evidence at trial.

**See prior responses to notice to produce.**

30. To the extent not previously identified and produced, all documents that refer, reflect or relate in any way to the subject matter of this litigation.

**See prior responses to notice to produce.**

# **EXHIBIT B**

**REDACTED**