

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> <p style="text-align: center;">DEFENDANT SWEET GRASS FARM, LLC'S MOTION TO FIND JONATHAN KANAREK IN CONTEMPT OF COURT AND COMPEL RESPONSE TO SUBPOENA DUCES TECUM</p>
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TO: Jonathan Kanarek
4 Wilshire Drive
Livingston, New Jersey 07039

PLEASE TAKE NOTICE that, on September 9, 2022, at 9:00 a.m., or as soon thereafter as counsel may be heard, Schenck, Price, Smith & King LLP, attorneys for Defendant, Sweet Grass Farm LLC (“Defendant”), shall move before the Superior Court of New Jersey, Law Division, at the Morris County Courthouse, Morristown, New Jersey, for an Order seeking to find Jonathan Kanarek in contempt of Court and to Compel Response to Defendant’s Subpoena *Duces Tecum* dated July 26, 2022.

PLEASE TAKE FURTHER NOTICE that Defendant shall rely on the accompanying Certification of Counsel, with exhibits.

PLEASE TAKE FURTHER NOTICE that pursuant to Rule 1:6-2, the undersigned requests oral argument if timely opposition is filed. A proposed form of order is annexed hereto.

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

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

Dated: August 24, 2022

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> <p style="text-align: center;">ORDER</p>
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THIS MATTER having been opened to the Court by Schenck, Price, Smith & King LLP, attorneys for Defendant Sweet Grass Farm, LLC, for an Order finding Jonathan Kanarek in contempt of Court and to Compel Response to Subpoena *Duces Tecum*, by way of a Notice of Motion duly filed and served upon all counsel, and the Court having considered the papers submitted herein, and for good cause having been shown;

IT IS ON this ____ day of _____, 2022:

ORDERED that Jonathan Kanarek is hereby declared in contempt of Court; and it is further

ORDERED that Jonathan Kanarek shall furnish responses and the documents requested in Defendant Sweet Grass Farms' July 26, 2022 subpoena *duces tecum* within seven (7) days of this Order; and it is further

ORDERED that should Jonathan Kanarek fail to provide the requested response and documents within seven (7) days, SGF is authorized to file a motion with this Court seeking the issuance of a bench warrant; and it is further

ORDERED that a copy of this Order shall be served on all counsel within seven (7) days of the date of this Order.

Hon.

Opposed
 Unopposed

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> <p style="text-align: center;">CERTIFICATION OF COUNSEL IN SUPPORT OF DEFENDANT SWEET GRASS FARM, LLC'S MOTION TO FIND JONATHAN KANAREK IN CONTEMPT OF COURT AND COMPEL RESPONSE TO SUBPOENA DUCES TECUM</p>
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I, MARK K. SILVER, ESQ., of full age, do certify as follows:

1. I am an attorney-at-law of the State of New Jersey and a Partner with the law firm of Schenck, Price, Smith & King LLP, attorneys for Defendant Sweet Grass Farm, LLC ("SGF"). I am the attorney responsible for handling this matter. As such, I have personal knowledge of the facts set forth herein.

2. I make this Certification in support of SGF's Motion to find Jonathan Kanarek in contempt of Court and Compel Response to SGF's July 26, 2022 Subpoena *Duces Tecum*.

3. SGF comes before this Court seeking an Order finding Jonathan Kanarek in contempt of Court and compelling a response to SGF's July 26, 2022 Subpoena *Duces Tecum*.

4. On July 26, 2022, SGF issued a subpoena *duces tecum* to Jonathan Kanarek requesting written communications related to the incident that occurred on August 7, 2019 which

forms the basis of Plaintiff's Complaint. (See Subpoena *Duces Tecum* annexed hereto as "Exhibit A").

5. Jonathan Kanarek was personally served with SGF's subpoena *duces tecum* on July 27, 2022 at 11:15 A.M. (See Affidavit of Service annexed hereto as "Exhibit B").

6. Jonathan Kanarek's response to SGF's subpoena was due on August 16, 2022. (See "Exhibit A").

7. To date, SGF has not been made aware of any Motions to Quash having been filed related to this subpoena, nor received the requested documents from Jonathan Kanarek.

8. Jonathan Kanarek has not contacted this office in response to this subpoena nor has anyone claiming to represent Jonathan Kanarek.

9. Jonathan Kanarek is now in violation of the R. 1:9-5.

10. As a result, SGF makes the instant application.

I hereby certify, pursuant to Rule 1:4-4(b), 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.

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

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

Dated: August 24, 2022

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> <p style="text-align: center;">CERTIFICATION OF SERVICE</p>
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I, MARK K. SILVER, of full age, hereby certifies as follows:

1. I am an attorney-at-law in the State of New Jersey and Partner with the law firm of Schenck, Price, Smith & King LLP, attorneys for Defendant Sweet Grass Farm, LLC (“Defendant”) in the above-captioned matter.

2. I submit this Certification in support of Defendant’s Motion to find Jonathan Kanarek in contempt of Court and Compel Response to Defendant’s July 26, 2022 Subpoena *Duces Tecum*.

3. I hereby certify that a true and accurate copy of Defendant’s Notice of Motion, Certification of Mark K. Silver, Esq., with exhibits, Proposed Form of Order, and this Certification of Service were electronically filed with the Morris County Superior Court on August 24, 2022.

4. I further certify that a true and accurate copy of the aforementioned documents was served on all parties of record via electronic filing on August 24, 2022.

5. I further certify that a true and accurate copy of the aforementioned documents was sent for personal service on Jonathan Kanarek on August 24, 2022.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me is willfully false, I am subject to punishment.

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

/s/ Mark K. Silver

Mark K. Silver

Dated: August 24, 2022

EXHIBIT A

Schenck Price

— SCHENCK PRICE SMITH & KING, LLP —

*Serving Our Clients and Community
For Over 100 Years*

Mark K. Silver

Admitted in NJ, NY & PA
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Fax: 973-540-7300
www.spsk.com

July 26, 2022

VIA PERSONAL SERVICE

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

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

Dear Mr. Kanarek:

This firm represents defendant, Sweet Grass Farm LLC (“Sweet Grass”), in the above-referenced matter. In that regard, enclosed please find a Subpoena Duces Tecum which schedules a deposition and requests production of documents you may have in your possession. The purpose of the subpoena, however, is merely to secure copies of the requested documents.

In lieu of appearing personally for deposition, we will accept copies of the requested materials which are set forth in the attached subpoena. Accordingly, we will reimburse you for reasonable copying costs. Notwithstanding the above, do not produce the documents prior to the date set forth in the attached subpoena.

Thank you for your anticipated cooperation. Should you have any questions, please feel free to contact me.

Very truly yours,

SCHENCK, PRICE, SMITH & KING, LLP

/s/ Mark K. Silver

Mark K. Silver

MKS/me

Enc.

cc: Andrew L. O’Connor, Esq. (via -email)
John P. Graves, Esq. (via e-mail)
Christopher L. Deininger, Esq. (via e-mail)
Lane M. Ferdinand, Esq. (via e-mail)

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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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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



SUPERIOR COURT OF NEW JERSEY
LAW DIVISION:
MORRIS COUNTY

Plaintiff
LAUREN KANAREK

Defendant
MICHAEL BARISONE, ET AL

vs

DOCKET NO. MRS-L-002250-19

AFFIDAVIT OF SERVICE
(for use by Private Service)

Person to be served: JONATHAN S. KANAREK

Address:
4 WILSHIRE DRIVE
LIVINGSTON NJ 07039

Cost of Service pursuant to R4:4-30

\$ _____

Attorney:
SCHENCK PRICE SMITH & KING LLP
220 PARK AVENUE PO BOX 991
FLORHAM PARK NJ 07932

Papers Served:
COVER LETTER SUBPOENA DUCES TECUM

Service Data:

Served Successfully Not Served _____ Date: 7-27-22 Time: 11:15 a.m. Attempts: _____

- Delivered a copy to him/her personally
- _____ Left a copy with a competent household member over 14 years of age residing therein at place of abode.
- _____ Left a copy with a person authorized to accept service, e.g. managing agent, registered agent, etc.

Name of Person Served and relationship/title
Jonathan S. Kanarek
personally

Description of Person Accepting Service:

Age: 70 Height: 6'0 Weight: 260 Hair: Gray Sex: male Race: white

Non-Served:

- () Defendant is unknown at the address furnished by the attorney
- () All reasonable inquiries suggest defendant moved to an undetermined address
- () No such street in municipality
- () No response on: _____ Date _____ Time _____
_____ Date _____ Time _____
_____ Date _____ Time _____

() Other: _____ Comments or Remarks _____

Subscribed and Sworn to me this
27th day of July 2022

Patricia Knapp
Notary Signature

I, JOHN KRATZ, was at time of service a competent adult not having a direct interest in the litigation. I declare under penalty of perjury that the foregoing is true and correct.

John Kratz 7-27-22
Signature of Process Server Date

PATRICIA KNAPP
Notary Public, State of New Jersey
Commission # 2447530
My Commission Expires 06/25/2024

DGR LEGAL, INC.
1359 Littleton Road, Morris Plains, NJ 07950-3000
(973) 403-1700 Fax (973) 403-9222

Work Order No. 587879
File No. MRS-L-002250-19