

01013

**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 Barisone*

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

**NOTICE OF CROSS-MOTION SEEKING TO COMPEL PLAINTIFF  
TO MAKE AN IN-PERSON APPEARANCE FOR HER DEPOSITION**

TO:

Andrew L. O’Connor, Esq.  
Nagel Rice LLP  
103 Eisenhower Parkway  
Roseland, NJ 07068

ON NOTICE TO:

Mark Silver, Esq.  
Schenck Price  
220 Park Avenue, P.O. Box 991  
Florham Park, New Jersey 07932

Edward J. Bilinkas, Esq.  
Law Offices of Edward J. Bilinkas  
415 Route 10  
Randolph, NJ 07869

John P. Graves, Esq.  
Law Offices of John P. Graves  
18 Macculloch Ave.  
Morristown, NJ 07960

Lane M. Ferdinand, Esq.  
Law Offices of L.M. Ferdinand  
505 Morris Ave.  
Springfield, NJ 07081

**PLEASE TAKE NOTICE** that on September 9, 2022, at 9:00 in the morning or as soon thereafter counsel can be heard, the undersigned attorney for defendant-counterclaimant

MICHAEL BARISONE shall cross-move pursuant to the New Jersey Court Rules, including but not limited to R. 4:14-1 et seq., for an Order:

(a) Compelling plaintiff LAUREN KANAREK to appear for her in person deposition in New Jersey, such that she is physically present in the room with the attorneys, the court reporter, and/or other persons who may be lawfully in attendance, on the dates noticed by defendant-counterclaimant MICHAEL BARISONE; and

(b) Granting in favor of BARISONE such other relief which is determined to be just, proper, and/or appropriate.

**PLEASE TAKE FURTHER NOTICE** that in support of this motion, the moving parties shall rely upon the sworn certifications (together with any and all exhibits thereto) and letter brief submitted herewith.

**PLEASE TAKE FURTHER NOTICE** that pursuant to R. 1:6-2(a), a copy of the proposed form of Order is submitted herewith, and that this motion shall be deemed uncontested unless responsive papers are timely filed and served within the time period(s) prescribed under the Court Rules.

**DEININGER & ASSOCIATES, LLP**  
*Attorneys for Barisone*



By: \_\_\_\_\_  
Christopher L. Deininger, Esq.

Dated: August 31, 2022

**CERTIFICATION OF SERVICE**

I, CHRISTOPHER L. DEININGER, ESQ., certify under penalty of perjury, that on AUGUST 31, 2022, I caused true and accurate copies of the defendants' **Notice of Motion with certification of service, Letter Brief, Proposed Form of Order, and Supporting Certifications (with exhibits)**, to be served upon the Clerk of the New Jersey Superior Court, and upon all counsel of record, through e-Courts.

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

**DEININGER & ASSOCIATES, LLP**  
Attorneys for the Barisone



By : \_\_\_\_\_  
CHRISTOPHER L. DEININGER, ESQ.



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*Attorneys for Barisone*

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

**ORDER ON BARISONE’S CROSS-MOTION SEEKING  
TO COMPEL PLAINTIFF’S IN-PERSON DEPOSITION APPEARANCE**

THIS MATTER having been brought before the Court by cross-motion made by Deininger & Associates, LLP, attorneys for defendant-counterclaim-plaintiff MICHAEL BARISONE (“Barisone”), pursuant to the New Jersey Court Rules, for an Order (a) Compelling plaintiff LAUREN KANAREK to appear for an in-person deposition, and (b) Granting in favor of BARISONE such other relief which is determined to be just, proper, and/or appropriate; and the Court having considered the papers submitted, the opposition thereto, and the oral arguments of counsel, if any; and for good cause having been shown;

IT IS on this \_\_\_\_\_ day of \_\_\_\_\_, 2022,

**ORDERED** that plaintiff LAUREN KANAREK shall be and hereby is directed to physically appear before the court report in New Jersey, at the offices of counsel, for purposes of giving a deposition in this matter, on October 11-14, 2022, or upon such other date agreed to by

defense counsel for MICHAEL BARISONE; and it is further

**ORDERED** that a copy of this Order shall be served upon all parties within seven

(7) days of the date hereof.

HON. \_\_\_\_\_, J.S.C.

\_\_\_\_ Opposed  
\_\_\_\_ Unopposed

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**(973) 879-1610; Fax (973) 361-1241**  
*Attorneys for Barisone*

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

**CERTIFICATION OF CHRISTOPHER L. DEININGER, ESQ., IN  
SUPPORT OF BARISONE’S CROSS-MOTION AGAINST PLAINTIFF**

CHRISTOPHER L. DEININGER, ESQ., of full age, hereby certifies and says the following under penalty of perjury:

1. I am an attorney at law duly admitted in the State of New Jersey, and counsel in the above-captioned matter for defendant-counterclaim-plaintiff MICHAEL BARISONE (“Barisone”).

1. I am making this certification in support of the Barisone cross-motion compelling plaintiff LAUREN KANAREK to appear for an in-person deposition in this action.

2. I served as co-counsel to Barisone in his criminal trial conducted before the Hon. Stephen J. Taylor, P.J.S.C.

3. I was personally present throughout the trial, in the courtroom, including during Lauren Kanarek’s testimony at the criminal trial.

4. At the criminal trial, Lauren Kanarek spent significant time on the witness stand, giving testimony. During that testimony, Ms. Kanarek did not wear any mask or other form of “personal protection equipment” that might be needed to protect her health.

5. Throughout her testimony, Lauren Kanarek was in the physical presence of the members of the jury, members of the press, the court staff, Judge Taylor, the courtroom officers from the sheriff’s department, and the attorneys.

6. There were many people in the courtroom during Ms. Kanarek’s testimony who – like Ms. Kanarek – were not wearing masks. Ms. Kanarek appeared comfortable in court without any mask due to the social distancing requirement which kept her 6 feet or so away from unmasked persons. But even then, there were time while she was on the witness stand when unmask counsel was permitted to be standing right next to her.

7. Annexed hereto as **Exhibit A** is, upon information and belief, a true, accurate and correct copy of an Internet posting made by Lauren Kanarek on Instagram. The photograph and text underneath it indicate to me that following the Barisone criminal trial, Ms. Kanarek returned to her home in Florida where she has engaged and is continuing to engage in her ordinary personal activities without any particular concern about her health from COVID and/or other viruses which she might be exposed to by being physically present in the company of other people.

8. Annexed hereto as **Exhibit B** is a true, accurate and correct copy of the Notice of Deposition I served in this matter calling for plaintiff’s in-person appearance.



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

A handwritten signature in black ink, appearing to read 'C. L. Deininger', written over a horizontal line.

CHRISTOPHER L. DEININGER, ESQ.

Dated: August 31, 2022

**EXHIBIT A**



Post



laurenkana Leave a horse alone for just a second & he finds a way to get "layed," 🌿 - #hawaiin #hawaiinstyle #jewelry #equestrianjewelry #rn Thanks Beth, for keeping all our heads on straight (human & horse) in the hectic mornings & through the day! ❤️❤️❤️ #Evie #vivaldi #highmaintenance 🙌🏆😂🐿️

21 seconds ago



**EXHIBIT B**

01013

**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 Michael Barisone*

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

**NOTICE OF DEPOSITION OF PLAINTIFF LAUREN KANAREK**

**TO: NAGEL RICE, LLP**  
**103 Eisenhower Parkway**  
**Roseland, New Jersey 07068**  
**Attn: ANDREW O’CONNOR, ESQ.**

**WITH NOTICE TO:**

Mark Silver, Esq.  
Schenck Price  
220 Park Avenue, P.O. 991  
Florham Park, NJ 07932

Lane M. Ferdinand, Esq.  
Law Offices of L.M. Ferdinand  
505 Morris Avenue  
Springfield, NJ 07081

John Graves, Esq.  
Graves Andrews  
LLC 113  
Washington Street,  
Suite 1  
Morristown, NJ 07960

**SIRS:**

**PLEASE TAKE NOTICE** that in accordance with New Jersey Rule of Court 4:14-1 et. seq., defendant-counterclaim-plaintiff MICHAEL BARISONE will take testimony by the in-

person deposition upon oral examination of plaintiff LAUREN KANAREK, before a person authorized by the laws of the State of New Jersey to administer oaths, commencing on Tuesday, October 11, 2022 at 10:00 a.m., and continuing through the remainder of that week on October 12-14, 2022, until the examination is completed, and that the examination will be with respect to all matters relevant to the subject matter involved in this action.

**PLEASE TAKE FURTHER NOTICE** that the deposition will be conducted at the offices of Schenck, Price, Smith & King, LLP, 220 Park Avenue, Florham Park, New Jersey 07932, and that deponent's in-person presence at that designated location, in the physical presence of the court reporter and attending attorneys, is required for the examination, and that the noticing party does not consent to, and will not agree to, an examination conducted over the Internet and/or in some other virtual manner.

**PLEASE TAKE FURTHER NOTICE** that the deponent is being directed to bring with him/her to the deposition, and have available for inspection and copying at the time of the deposition, the following documents, records, and things relevant to the matters in dispute in this action:

All documents, books and records (including but not limited to electronically stored information such as emails, text messages, spreadsheets, audio recordings, video recording, etc.) which evidence the factual basis of KANAREK's claims and/or allegations against MICHAEL BARISONE;

All documents, books and records (including but not limited to electronically stored information such as emails, text messages, spreadsheets, audio recordings, video recording, etc.) which evidence the diagnosis, prognosis, and/or treatment, of psychiatric, psychological, and/or emotions ailments suffered by KANAREK prior to August 2019 and/or thereafter; and

All documents, books and records (including but not limited to electronically stored information such as emails, text messages, spreadsheets, audio recordings, video recording, etc.) requested from KANAREK in discovery by the parties to this plenary action.

**DEININGER & ASSOCIATES, LLP**  
Attorneys for Defendant-Counterclaimant



By: \_\_\_\_\_  
Christopher L. Deininger, Esq.

Dated: August 3, 2022





# Deininger & Associates LLP

Attorneys at Law

*Christopher L. Deininger*

Member New York & New Jersey

*415 Route 10, Suite 1*

*Randolph, NJ 07869*

*Tel 973-879-1610*

*Fax 973-361-1241*

www.deiningerlaw.com

chris@deiningerlaw.com

August 31, 2022

## **VIA ECOURTS**

Hon. Louis S. Sceusi, J.S.C.

Superior Court of New Jersey - Morris County

Morris County Courthouse, Washington & Court Streets

Morristown, New Jersey 07960

**RE: Lauren Kanarek v. Michael Barisone, et al.**

**Docket No.: MRS-L-2250-19**

**Barisone Cross-Motion Compelling Plaintiff's in-Person Deposition**

**Return Date: September 9, 2022**

Your Honor:

I represent Michael Barisone, a defendant-counterclaim-plaintiff in the above-referenced matter. I am submitting this letter brief, in lieu of a formal one, in support of the Barisone cross-motion compelling plaintiff LAUREN KANAREK to physically appear, in New Jersey, at counsel's offices, for her deposition in this matter.

## **ARGUMENT**

BARISONE is joining in the legal arguments made by Mark Silver, Esq., in his motion on behalf of co-defendant SWEET GRASS FARMS, LLC, seeking to compel plaintiff's in-person

deposition. For purposes of this cross-motion only, those arguments by co-defense counsel are adopted and incorporated herein by reference.

There is no legitimate reason for plaintiff to appear for her deposition virtually, over Zoom or some other Internet-based platform. During the criminal trial held in April 2022 before Judge Taylor, Lauren Kanarek appeared in the courtroom, and gave days of testimony, without wearing a mask or other form of personal protection equipment. See Deininger Certification at paragraphs 3-6. Following the trial, Lauren Kanarek has pursued her day-to-day activities living in Florida, including attending to her horses and riding them out in public, at the farms where she is continuing her dressage training. See Deininger Certification at paragraph 7, and **Exhibit A** thereto (Lauren Kanarek Instagram posting relating to her in-public activities in Florida).

Plaintiff commenced her lawsuit in New Jersey and, as such, evidenced her agreement to appear in the State of New Jersey, in person, for her deposition. She present in New Jersey for the Barisone criminal trial, when that presence served her purposes in connection with having Barisone suffer a criminal conviction. Any endeavor by plaintiff or her counsel to avoid having plaintiff appear here, in person, for her deposition, is a mere tactical move seeking to protect Lauren Kanarek from facing live, in person, questioning on the record.

Just a few days ago, the New Jersey Supreme Court indicated that it is lifting certain COVID procedures and requirements, allowing juror to be seated once again without social distancing. Mark Silver's conference room is sufficiently large to accommodate social distancing, if that would even be a requirement at this point.

**CONCLUSION**

For the forgoing reasons, the defendant-counterclaim plaintiff BARISONE is requesting that his cross-motion be granted in all respects.

Submitted Respectfully,

**DEININGER & ASSOCIATES, LLP**

A handwritten signature in black ink, appearing to read 'C. L. Deininger', is written over a horizontal line.

Christopher L. Deininger, Esq.

cc: All counsel of record



**CERTIFICATION OF SERVICE**

I, CHRISTOPHER L. DEININGER, ESQ., certify under penalty of perjury, that on AUGUST 31, 2022, I caused true and accurate copies of the defendants' **Notice of Motion with certification of service, Letter Brief, Proposed Form of Order, and Supporting Certifications (with exhibits)**, to be served upon the Clerk of the New Jersey Superior Court, and upon all counsel of record, through e-Courts.

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

**DEININGER & ASSOCIATES, LLP**  
Attorneys for the Barisone



By : \_\_\_\_\_  
CHRISTOPHER L. DEININGER, ESQ.

