

PLYMOUTH, ss.

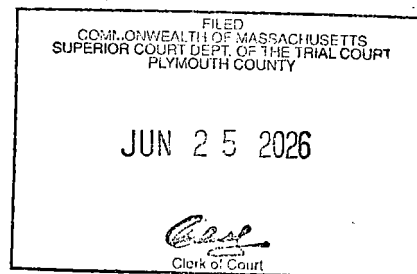
## COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT DEPARTMENT  
CIVIL ACTION NO. 2483CV00692

PAUL O'KEEFE, as Personal Representative of  
the Estate of JOHN JOSEPH O'KEEFE III,  
PAUL O'KEEFE, Individually, JOHN O'KEEFE II,  
MARGARET O'KEEFE, and MARGARET O'KEEFE  
as Grandparent/Guardian of KAYLEY FURBUSH,  
Plaintiffs,

v.

C&C HOSPITALITY, LLC d/b/a C.F. MCCARTHY'S,  
G&S HOSPITALITY, LLC d/b/a C.F. MCCARTHY'S,  
WATERFALL BAR & GRILL, LTD d/b/a  
WATERFALL BAR & GRILL, and KAREN READ,  
Defendants.



**MOTION OF NON-PARTY WITNESS LIEUTENANT BRIAN TULLY (RET.)  
TO QUASH SUBPOENA AND/OR FOR PROTECTIVE ORDER**

**INTRODUCTION**

Non-party witness Lieutenant Brian Tully (Ret.) respectfully moves this Court, pursuant to Massachusetts Rules of Civil Procedure 26(c) and 45(b), to quash the deposition subpoena and accompanying document requests served upon him by Defendant Karen Read, or in the alternative to enter a protective order limiting the scope of examination and production.

This motion rests upon two independent and compelling grounds. First, the subpoena is not a legitimate exercise of discovery directed at a disinterested third party. It is directed at a retired law enforcement officer who is simultaneously a named defendant in Karen Read's own federal civil rights lawsuit — a lawsuit in which she has asserted seven causes of action against him arising from the identical events and subject matter that are the focus of Schedule A's fifteen document request categories. Formal discovery in that federal action has not opened. The federal court has

(7.3.26 Hildea, J.) Allowed in part and denied in part. See Decision and Order, Paper No 150. att'd: Hildea & Beers  
Susan Beers