

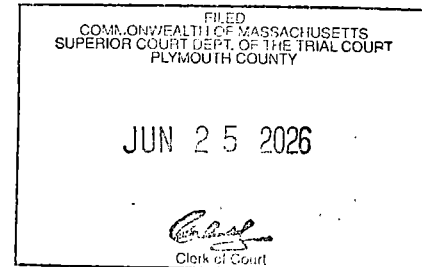
PLYMOUTH, ss.

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.



**WRITTEN OBJECTIONS TO THE SUBPOENA DUCES TECUM AND DEPOSITION
SUBPOENA TO NON-PARTY WITNESS, LT. BRIAN TULLY, (RET.)**

PRELIMINARY STATEMENT

Non-party witness Lieutenant Brian Tully (Ret.) ("Lt. Tully"), by and through his undersigned counsel, hereby submits these written objections to the Subpoena Duces Tecum and Deposition Subpoena (the "Subpoena") served upon him by Defendant Karen Read on May 5, 2026, commanding document production by June 1, 2026, and appearance for deposition on June 11, 2026, as subsequently adjourned by agreement to July 8, 2026.

These objections are submitted without waiver of, and expressly preserving, Lt. Tully's pending Motion to Quash Subpoena and/or for Protective Order filed contemporaneously herewith in this action. The filing of these written objections does not constitute an admission that the Subpoena is proper, that the document requests are appropriate in scope or subject matter, that Lt. Tully possesses any particular documents responsive to the requests, or that Lt. Tully waives any

right or privilege. Lt. Tully expressly reserves all rights pending the Court's ruling on the Motion to Quash.

To the extent any document request is not expressly addressed below, Lt. Tully reserves all objections thereto and does not by omission concede the propriety of any request.

GENERAL OBJECTIONS

The following General Objections apply to each and every document request set forth in Schedule A to the Subpoena and are incorporated by reference into each specific response below as if fully set forth therein. The assertion of specific objections to individual requests does not constitute a waiver of any General Objection.

General Objection No. 1 — Parallel Federal Proceeding.

Lt. Tully is a named defendant in Karen Read v. Proctor et al., Civil Action No. 1:25-cv-13588-DJC, currently pending in the United States District Court for the District of Massachusetts (the "Federal Action"), in which Karen Read has asserted seven causes of action against Lt. Tully personally arising from the same subject matter that is the focus of each document request in Schedule A. Formal discovery in the Federal Action has not opened. Lt. Tully's Motion to Dismiss Plaintiff's Amended Complaint in the Federal Action, filed April 3, 2026, is presently pending, with a hearing scheduled before the Honorable Denise J. Casper for July 14, 2026. The Subpoena constitutes an improper attempt to use this Court's process to conduct pre-conference third-party discovery against a named federal defendant outside the bounds and case management framework of the Federal Action. Lt. Tully objects to each and every document request on this ground.

General Objection No. 2 — Undue Burden on Non-Party Witness.

Lt. Tully is a retired Massachusetts State Police Lieutenant. He is not a party to this action. The standard for evaluating burden on non-party witnesses under Mass. R. Civ. P. 45(b) is more protective than the standard applied to parties. The document requests collectively impose an undue burden on a retired officer who no longer has access to institutional resources, agency databases, or government document management systems. Lt. Tully objects to each and every document request on this ground.

General Objection No. 3 — Overbreadth and Lack of Proportionality.

Each document request in Schedule A is overbroad on its face, demanding documents across a period of five or more years without meaningful limitation as to subject matter, form, or relevance to the claims asserted in this wrongful death action. Lt. Tully was a supervisory officer — not a primary investigator — in the investigation that followed Mr. O’Keefe’s death. He did not personally conduct witness interviews, execute warrants, prepare affidavits, or make charging decisions. The sweeping scope of Schedule A is wholly disproportionate to his supervisory role and to any legitimate discovery need in this wrongful death action. Lt. Tully objects to each and every document request on this ground.

General Objection No. 4 — Relevance.

This action is a wrongful death case brought by the O’Keefe family against bar establishments and Karen Read. The claims asserted do not implicate Lt. Tully’s supervisory conduct, MSP investigative decisions, disciplinary history, or communications with law enforcement agencies, the Norfolk District Attorney’s Office, or litigation counsel. The document requests, read as a whole, seek material that is relevant, if at all, to the Federal Action in which Karen Read has sued Lt. Tully — not to the claims and defenses at issue in this wrongful death proceeding. Lt. Tully objects to each and every document request on this ground.

General Objection No. 5 — Attorney-Client Privilege and Work Product Doctrine.

Lt. Tully objects to each document request to the extent it seeks documents protected by the attorney-client privilege, the work product doctrine, the joint defense privilege, or any other applicable privilege or protection. No such documents will be produced. To the extent any withheld document is required to be identified by privilege log, Lt. Tully will provide a log in accordance with the requirements of the applicable rules upon resolution of the Motion to Quash.

General Objection No. 6 — Personnel and Disciplinary Record Protections.

To the extent any document request seeks personnel records, disciplinary records, or internal affairs records of Lt. Tully or any other Massachusetts State Police officer, Lt. Tully objects on the ground that such records are protected from compelled disclosure by G.L. c. 149, § 52C and related statutory and regulatory provisions governing the confidentiality of law enforcement personnel records.

General Objection No. 7 — Pendency of Motion to Quash.

Lt. Tully has filed a Motion to Quash Subpoena and/or for Protective Order contemporaneously with these written objections. These written objections are submitted without prejudice to that motion and do not constitute a waiver of any argument made therein. In the event the Motion to Quash is granted, these objections shall be deemed withdrawn as moot. In the event the Motion to Quash is denied in whole or in part, these objections shall remain in full force and effect as to each applicable request.

General Objection No. 8 — Requests Seeking Documents Not in Lt. Tully's Possession, Custody, or Control.

Lt. Tully objects to each document request to the extent it seeks documents that are not within his possession, custody, or control as a retired officer. Lt. Tully no longer has access to Massachusetts State Police databases, agency email systems, investigative files, or other

institutional records. To the extent responsive documents exist within such systems, they are in the possession of the Commonwealth of Massachusetts or its agencies, not Lt. Tully personally.

SPECIFIC OBJECTIONS TO DOCUMENT REQUESTS

Without waiving any General Objection, and subject to and incorporating all General Objections as if fully set forth herein, Lt. Tully states the following specific objections to each document request in Schedule A:

Request No. 1

All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, to, from, or concerning Karen Read, or any of her family members, heirs, assigns, employees, contractors, agents, attorneys, or other representatives.

Objection: Lt. Tully objects to this request on the grounds set forth in General Objections Nos. 1 through 8. This request is particularly overbroad in that it contains no subject matter limitation whatsoever, encompasses Karen Read's entire network of family members, agents, attorneys, and representatives without definition or limitation, and imposes no meaningful temporal boundary. As drafted, this request would encompass every communication Lt. Tully has ever had with or concerning any person connected to Karen Read in any capacity, across any subject matter, over a period of more than five years. The request is not directed at discovering facts relevant to this wrongful death action. It is designed to sweep in the totality of Lt. Tully's knowledge and communications concerning the subject matter of the Federal Action, in which

Karen Read is suing him. Lt. Tully will not produce documents in response to this request as drafted.

Request No. 2

All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, concerning the 2021 black Lexus LX 570 SUV leased by Karen Read as of January 28, 2022.

Objection: Lt. Tully objects to this request on the grounds set forth in General Objections Nos. 1 through 4 and 7 through 8. This request is overbroad, imposes no temporal limitation, and is not tailored to any claim or defense at issue in this wrongful death action. To the extent any documents concerning the Lexus LX 570 exist and are within Lt. Tully's possession, custody, or control, they would consist of investigative materials generated by MSP that are institutional records of the Commonwealth and not in the personal possession of a retired officer. Lt. Tully will not produce documents in response to this request as drafted.

Request No. 3

All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, concerning or referring to the death of John J. O'Keefe, III on or about January 29, 2022.

Objection: Lt. Tully objects to this request on the grounds set forth in General Objections Nos. 1 through 8. This request contains no temporal limitation and no subject matter limitation beyond the death of Mr. O'Keefe — the central event in the most heavily litigated case in Massachusetts in recent memory. As drafted, it would encompass every document and

communication Lt. Tully has generated or received over more than four years touching any aspect of the O'Keefe matter in any form, including communications with counsel, communications relating to the Federal Action, and communications relating to his own disciplinary proceedings. The request is facially overbroad, disproportionate, and constitutes precisely the type of wholesale document demand that Rule 45(b) protects non-party witnesses from. Lt. Tully will not produce documents in response to this request as drafted.

Request No. 4

All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, to, from, or concerning John O'Keefe, II, Paul O'Keefe, or Margaret O'Keefe from January 1, 2021 to the present.

Objection: Lt. Tully objects to this request on the grounds set forth in General Objections Nos. 1 through 4 and 7 through 8. This request spans more than five years and encompasses all communications with or concerning any member of the O'Keefe family without subject matter limitation. To the extent Lt. Tully had any communications with members of the O'Keefe family, they would have occurred in his supervisory capacity as an MSP officer and would be institutional records of the Commonwealth, not personal records in Lt. Tully's possession as a retired officer. Lt. Tully will not produce documents in response to this request as drafted.

Request No. 5

All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, to, from, or concerning Brian Albert, Nicole Albert, Chris Albert, Julie Albert, Colin Albert, Brian Higgins, Jennifer

McCabe, Matthew McCabe, Allison McCabe, Kerry Roberts, or any other individual present at 34 Fairview Road, Canton, Massachusetts 02021 on January 28 or January 29, 2022, or any interviews, meetings, conversations, or encounters with any such individuals, from January 1, 2021 to the present.

Objection: Lt. Tully objects to this request on the grounds set forth in General Objections Nos. 1 through 8. This request names twelve individuals, extends to “any other individual” present at 34 Fairview Road without limitation, spans more than five years, and encompasses all interviews, meetings, conversations, and encounters with any such persons across any subject matter. Several of the named individuals — including Brian Higgins, Jennifer McCabe, and Matthew McCabe — are co-defendants in the Federal Action in which Karen Read is suing Lt. Tully. This request is plainly designed to obtain discovery relevant to the Federal Action rather than to the claims in this wrongful death proceeding. Documents generated in Lt. Tully’s official supervisory capacity, to the extent they exist, are institutional records of the Commonwealth not in his personal possession as a retired officer. Lt. Tully will not produce documents in response to this request as drafted.

Request No. 6

All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, to, from, or concerning any member of the Canton Police Department from January 28, 2022 through the present.

Objection: Lt. Tully objects to this request on the grounds set forth in General Objections Nos. 1 through 4 and 7 through 8. This request demands every communication Lt. Tully has had with any member of the Canton Police Department — an agency of hundreds of officers and

civilian employees — over a period of more than four years, without any subject matter limitation whatsoever. The burden of locating, collecting, and reviewing four-plus years of inter-agency communications with no subject matter constraint is extraordinary and wholly disproportionate for a retired non-party officer. This request is not calibrated to any legitimate discovery need in this wrongful death action. To the extent it seeks any documents at all, they would be institutional records of the Commonwealth not in Lt. Tully's personal possession. Lt. Tully will not produce documents in response to this request as drafted.

Request No. 7

All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, to, from, or concerning any member of the Boston Police Department from January 28, 2022 through the present.

Objection: Lt. Tully objects to this request on the grounds set forth in General Objections Nos. 1 through 4 and 7 through 8. This request is substantively identical in its defects to Request No. 6. It demands every communication with any member of the Boston Police Department — a department of thousands of officers and personnel — over more than four years, without subject matter limitation. The burden is extraordinary. The relevance to this wrongful death action is not apparent. Documents generated in Lt. Tully's official capacity are institutional records of the Commonwealth not in his personal possession as a retired officer. Lt. Tully will not produce documents in response to this request as drafted.

Request No. 8

All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, concerning 34 Fairview Road, Canton, Massachusetts 02021.

Objection: Lt. Tully objects to this request on the grounds set forth in General Objections Nos. 1 through 4 and 7 through 8. This request contains no temporal limitation and no subject matter limitation beyond the address itself. 34 Fairview Road is the residence of the Albert family and the location at the center of Karen Read's theory of the case in both this proceeding and the Federal Action. This request, as with Requests 5 and 9, is plainly directed at obtaining discovery for the Federal Action. Documents generated in Lt. Tully's official supervisory capacity, to the extent they exist, are institutional records of the Commonwealth. Lt. Tully will not produce documents in response to this request as drafted.

Request No. 9

All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, concerning any dog owned, kept, or fostered by any member of the Albert family at 34 Fairview Road, Canton, Massachusetts 02021, from January 1, 2021 to the present.

Objection: Lt. Tully objects to this request on the grounds set forth in General Objections Nos. 1 through 4 and 7 through 8. This request seeks documents concerning any dog at the Albert residence spanning more than five years. The subject matter of this request — the Albert family dog — relates to Karen Read's theory of Mr. O'Keefe's death and to her claims in the Federal Action. It is not a legitimate discovery category directed at facts material to this wrongful death proceeding as against the bar defendants and Karen Read. Lt. Tully has no personal documents

responsive to this request. Lt. Tully will not produce documents in response to this request as drafted.

Request No. 10

All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, concerning any investigation by any federal agency, department, board, administration, office, or agent relating in any way to the death of John J. O'Keefe, III from January 28, 2022 to the present.

Objection: Lt. Tully objects to this request on the grounds set forth in General Objections Nos. 1 through 5 and 7 through 8. This request seeks all documents concerning any federal investigation relating to the O'Keefe death — a category that necessarily encompasses documents relating to the Federal Action itself and any associated federal investigative activity. To the extent Lt. Tully has had any communications with federal agencies or agents in connection with federal investigations, those communications are likely protected by the attorney-client privilege, the work product doctrine, law enforcement investigative privilege, or other applicable protections. Lt. Tully will not produce documents in response to this request as drafted and will log any withheld documents as required upon resolution of the Motion to Quash.

Request No. 11

All documents and communications with the Norfolk District Attorney's Office from January 28, 2022 through the present concerning Karen Read, John J. O'Keefe III, Michael Proctor, Yuri Bukhenik, or any prosecution of, or litigation involving, Ms. Read.

Objection: Lt. Tully objects to this request on the grounds set forth in General Objections Nos. 1 through 5 and 7 through 8. This request encompasses all communications between Lt. Tully and the Norfolk District Attorney's Office over more than four years concerning the prosecution of Karen Read — communications that are likely protected by the law enforcement investigative privilege, the attorney-client privilege, and the work product doctrine to the extent they involve litigation strategy or prosecutorial deliberations. This request is also directly and transparently aimed at obtaining material relevant to the Federal Action, in which the relationship between MSP and the NDAO is a central subject of Karen Read's allegations. Lt. Tully will not produce documents in response to this request as drafted and will log any withheld documents as required upon resolution of the Motion to Quash.

Request No. 12

All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, to, from, or concerning Michael Proctor from January 28, 2022 to the present.

Objection: Lt. Tully objects to this request on the grounds set forth in General Objections Nos. 1 through 5 and 7 through 8. This request demands every communication Lt. Tully has had with or concerning Michael Proctor — a co-defendant in the Federal Action and the primary subordinate officer at the center of Karen Read's federal civil rights claims against Lt. Tully — over more than four years, without subject matter limitation. This request is the most direct example of the Subpoena's function as a vehicle for Federal Action discovery. Communications between Lt. Tully and Proctor generated in their official capacities are institutional records of the Commonwealth. Communications between Lt. Tully and his counsel concerning Proctor are

attorney-client privileged. Lt. Tully will not produce documents in response to this request as drafted and will log any withheld documents as required upon resolution of the Motion to Quash.

Request No. 13

All documents, video or audio recordings, and communications concerning any disciplinary investigation, proceeding, decision, action, or appeal concerning your conduct as an employee of the Massachusetts State Police, from January 1, 2021 through the present.

Objection: Lt. Tully objects to this request on the grounds set forth in General Objections Nos. 1 through 8, and specifically and independently on the ground that this request seeks Lt. Tully's own personnel and disciplinary records, which are protected from compelled disclosure by G.L. c. 149, § 52C and related provisions governing the confidentiality of law enforcement personnel records. Personnel and disciplinary records of public employees are not freely obtainable through civil subpoena directed at the officer. Furthermore, this request is transparently aimed at obtaining material directly relevant to the Federal Action: Karen Read's Amended Complaint in the Federal Action expressly references Lt. Tully's disciplinary proceeding and reassignment at paragraph 140, and Lt. Tully's Motion to Dismiss in the Federal Action addresses that reference at length. The disciplinary records of Lt. Tully have no bearing on the claims asserted in this wrongful death action. Lt. Tully will not produce documents in response to this request.

Request No. 14

All documents, video or audio recordings, and communications concerning any disciplinary investigation, proceeding, decision, action, or appeal concerning Michael

Proctor's or Yuri Bukhenik's conduct as an employee of the Massachusetts State Police, from January 1, 2021 through the present.

Objection: Lt. Tully objects to this request on the grounds set forth in General Objections Nos. 1 through 8. This request seeks the disciplinary records of third-party MSP officers Proctor and Bukhenik. Such records are protected under G.L. c. 149, § 52C and are not in Lt. Tully's personal possession, custody, or control as a retired officer — they are institutional records of the Massachusetts State Police. Furthermore, this request is squarely directed at obtaining material relevant to the Federal Action, in which the disciplinary proceedings of Proctor and Bukhenik are central to Karen Read's claims. This request has no apparent relevance to the claims in this wrongful death action. Lt. Tully will not produce documents in response to this request.

Request No. 15

All non-privileged documents and communications concerning this litigation, the litigation captioned Read v. Proctor, et al., D. Mass., Civil Action No. 1:25-cv-13588-DJC, the litigation captioned McCabe v. Read, et al., Barnstable Superior Court, Civil Action No. 2672CV00125, or any other current, past, or potential litigation involving Karen Read.

Objection: Lt. Tully objects to this request on the grounds set forth in General Objections Nos. 1 through 8. This request is remarkable on its face: it expressly demands documents concerning Read v. Proctor et al. — the Federal Action in which Karen Read is suing Lt. Tully as a named defendant and in which formal discovery has not opened. It demands, through a third-party subpoena in this wrongful death action, documents relating to the precise proceeding in which the Subpoena is designed to circumvent the discovery framework. Documents generated in connection with the Federal Action are protected by the attorney-client privilege and the work

product doctrine. Documents concerning this wrongful death action are equally privileged to the extent they reflect communications between Lt. Tully and his counsel. This request is also wholly disproportionate in demanding all documents related to “any other current, past, or potential litigation involving Karen Read” — a category without any limiting principle. Lt. Tully will not produce documents in response to this request and will log all withheld litigation-related documents as required upon resolution of the Motion to Quash.

RESERVATION OF RIGHTS

Lt. Tully expressly reserves the right to supplement, amend, or modify these objections as additional information becomes available or as circumstances change. Lt. Tully further reserves all rights with respect to the deposition commanded by the Subpoena, including the right to object at deposition to any question that exceeds the proper scope of discovery, calls for privileged information, or touches upon matters as to which a protective order has been or may be sought.

Nothing in these written objections shall be construed as an agreement to appear for deposition on July 8, 2026, or on any other date, absent a ruling by this Court on the pending Motion to Quash and/or Protective Order or further agreement of counsel. Lt. Tully’s appearance at deposition, if required, shall be governed by the terms of any order entered by this Court.

Respectfully submitted,

For the Non-Party Witness, Lieutenant Brian Tully (Ret.),
By his attorneys,

/s/ Timothy M. Burke

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Dated: June 18, 2026

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of June, 2026, I served a true copy of the foregoing document, upon counsel for Defendant Karen Read by electronic mail, directed to:

Damon M. Seligson, Esq.
Charles M. Waters, Esq.
Aaron D. Rosenberg, Esq.
Sheehan Phinney Bass & Green, PA
28 State Street, 22nd Floor
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/s/ Timothy M. Burke
Timothy M. Burke, Esq.