

7-15-26

163

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss.

SUPERIOR COURT
C.A. NO. 2483CV00692

PAUL O'KEEFE¹, et al²
Plaintiffs,

v.

C&C HOSPITALITY, LLC, d/b/a C.F.
MCCARTHY'S, et al³
Defendants.

DISCOVERY ORDER

This order is issued based on my plenary authority to control, manage, and oversee the conduct of discovery. *Buster v. George W. Moore, Inc.*, 438 Mass. 635, 653 (2003) ("In general, discovery matters are committed to the sound discretion of the trial judge."); *Cronin v. Strayer*, 392 Mass. 525 (1984) ("we remind judges that the scope and timing of discovery is within their discretion, and that the prevention of [discovery] abuse . . . is sufficient justification for the authorization of protective orders . . . With this authority at hand, judges should not hesitate to exercise appropriate control over the discovery process" [quotations and citations omitted]).

This matter was specially assigned to me on November 14, 2025. In the eight months since then, I have been presented with various motions to compel, motions for a protective order, and motions to quash. Such motions have raised issues as to confidentiality of medical records, confidentiality of personnel and disciplinary records, and possible public dissemination and/or posting to social media of deposition materials, and other privacy related issues.⁴ Many of the motions involve depositions of non-parties. I read the language of Rule 45(b) as to "undue burden" to include a non-party's right to privacy in certain matters.

¹ Individually and as Personal Representative of the Estate of John Joseph O'Keefe III

² John O'Keefe II, and Margaret O'Keefe, Individually and as Grandparent/Guardian of Kayley Furbush.

³ G&S Hospitality, LLC d/b/a C.F. McCarthy's, Waterfall Bar & Grill, Ltd. d/b/a Waterfall Bar & Grill, and Karen Read.

⁴ A partial listing of such motions is attached hereto as Exhibit A.

On June 29, 2026, having been advised of information that allowed for a reasonable inference of a violation of an Order of Impoundment issued by me, I issued an Order (Paper No. 139). In my July 10, 2026 endorsement on a motion for reconsideration (Paper No. 156), I acknowledged subsequent information as to the time of a June 8, 2026 post on X alone did not allay my concerns that gave rise to the Order, especially given the content of a June 25, 2026 post on X.

I had invited counsel to come to an agreement to hold private personal information in confidence but have been informed that, though the parties sought to agree on restrictions on dissemination, they have been unable to reach a unanimous mutual agreement.

Prior to issuing the below order, I invited the parties to provide comments on proposed draft language, and I did receive, and have considered, certain comments.

Based on the above, the following Discovery Order shall apply in this matter:

“Deposition testimony taken in this matter (in the form of video or audio recordings or written transcripts), including private personal medical information learned at any such deposition, or through discovery (“Protected Information”), shall only be used for purposes of this case, or *McCabe v. Read, et al.*, 2683CV00541.

This Order is not intended to restrict the standard evidentiary guidelines permitting the use of prior deposition testimony in other proceedings as prior sworn statements, the use of prior depositions in other depositions in these matters, or the investigation of the veracity of any sworn testimony.

Parties shall adhere to Trial Court Rule VIII relative to the inclusion of Protected Information in any filings, including any motions for relief from this Order.

Notice of any claim of violation of this Discovery Order will issue, and an opportunity to be heard provided, before the imposition of sanctions. *Campana v. Board of Directors of Massachusetts Hous. Fin. Agency*, 399 Mass. 492, 503 (1987) (Rule 37 “affords a judge broad discretion to impose whatever sanctions are just in order to ensure that the discovery process operates efficiently”).⁵

Mark C. Gildea

July 15, 2026

Mark C. Gildea
Justice of the Superior Court

⁵ The temporary preclusion on taking discovery from a non-party set forth in paper No. 139 is vacated.

EXHIBIT A

DATE	PAPER NO.	DESCRIPTION
12/02/25	56	Motion to compel Norfolk DA's Office to produce data in response of subpoena
12/19/2025	60	Defendant Karen Read's Joint Motion to Enter Protective Order Regarding Norfolk DA's Office Production
12/29/2025	61	Defendant Karen Read's MTC Sgt. Sean Goode to Produce Documents
4/8/2026	96	Defendant Karen Read's MTC the Town of Canton to Produce Documents Pursuant to Non-Party Subpoena
6/5/2026	108	Michael Proctor's EMERGENCY Motion for Protective Order
6/9/2026	118	Plaintiffs O'Keefe MTC Responses to Plaintiffs' Supplemental Requests for Document Production
6/10/2026	119	Defendant Karen Read's MTC the MSP to Produce Documents Pursuant to Non-Party Subpoena
6/12/2026	124	Defendant Karen Read's MTC Colin Albert to attend deposition and produce documents
6/25/2026	132	Non-Party/Case Participant Lt. Brian Tully's Motion to Quash Subpoena and/or For Protective Order
06/29/2026	141	Defendant Karen Read's MTC Nicole and Brian Albert, Jennifer and Matthew McCabe, Allie McCabe, and Brian Higgins to Attend Depositions and Produce Documents Pursuant to Non-Party Subpoenas
06/30/2026	145	Plaintiffs O'Keefe MTC Responses to Plaintiffs' Supplemental Keeper of Records Subpoena From Aidan Kearney
07/06/2026	152.2	Non-Party Lt. Brian Tully's Motion for Protective Order Governing Deposition