

7/8/24

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss.

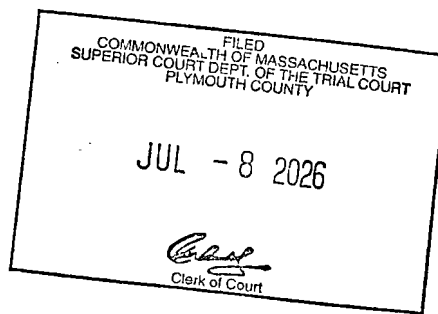
SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO.: 2483cv00692

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 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.

**AFFIDAVIT OF JAMES L. TUXBURY, ESQ. IN SUPPORT OF
NON-PARTIES' ASSENTED-TO MOTION FOR ADMISSION *PRO HAC VICE***

I, James L. Tuxbury, Esq., state as follows under the penalties of perjury:

1. I make this Affidavit in support of Non-Parties Brian Albert, Nicole Albert, Colin Albert, Matthew McCabe, Jennifer McCabe, Allie McCabe, and Brian Higgins (the "Non-Parties") Assented-to Motion to Admit Christopher M. Mattei, Esq., to appear and practice *pro hac vice* in this Court in the above-captioned matter (the "Motion").

2. I am a partner with the law firm of Hinckley, Allen & Snyder LLP ("Hinckley Allen").

3. My practice is based out of Hinckley Allen's office located at 28 State Street, Boston, Massachusetts 02109.

4. I represent the Non-Parties in *McCabe et al. v. Read et al.*, Civil Action No. 2683CV00541 (Plymouth Cnty. Super. Ct.), as well as in *Read v. Proctor et al.*, Case No. 1:25-CV-13588 (D. Mass.).

5. I am a member in good standing of the bars of the Commonwealth of Massachusetts (BBO # 624916), and the United States District Court for the District of Massachusetts (admitted in 2012). I have been a member in good standing of the bar of the Commonwealth of Massachusetts since January 2012.

6. On July 8, 2026, counsel for Plaintiffs and Defendants assented to the instant motion.

7. On July 8, 2026, payment in the amount of \$355.00 was made to the Massachusetts Board of Bar Overseers (the “BBO”) in connection with Attorney Mattei’s *pro hac vice* registration fee. *See* Supreme Judicial Court Rule 3:15. *See* Exhibit A.

8. The reason the Motion is being made on an emergency basis is because the deposition of Non-Party Brian Higgins is scheduled for tomorrow, July 9, 2026 at 10:00AM.

9. I intended to defend Mr. Higgins’s deposition but now have a conflict with a recently scheduled memorial service for a family member out of state.

I declare under the penalty of perjury that the foregoing is true and correct.

By: /s/ James L. Tuxbury
James L. Tuxbury

Executed on July 8, 2026.

CERTIFICATE OF SERVICE

I hereby certify that on July 8, 2026, I caused a true and accurate copy of the foregoing document to be served on all counsel of record via the Court's electronic filing system and electronic mail.

/s/ James L. Tuxbury
James L. Tuxbury

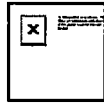
EXHIBIT A

Thomas, Sonia

From: service@paypal.com
Sent: Wednesday, July 8, 2026 1:45 PM
To: Thomas, Sonia
Subject: You sent a \$367.73 USD payment

EXTERNAL EMAIL

Hello, Sonia Thomas



You sent \$367.73 USD to Board of Bar Overseers

Transaction Details

Transaction ID
70844153YB335154B

Transaction date
July 8, 2026

Money sent	\$367.73 USD
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Paid with:

AMEX x-3006	\$367.73 USD
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This transaction will appear on your statement as PAYPAL *BBOREG

You paid	\$367.73 USD
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Board of Bar Overseers will receive	\$367.73 USD
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Your note to Board of Bar Overseers	PHV Payment for Christopher Mattei
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