

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss.

SUPERIOR COURT
C.A. NO. 2483CV00692

PAUL O'KEEFE ¹ , et al ² <i>Plaintiffs,</i>
--

v.

C&C HOSPITALITY, LLC, d/b/a C.F. MCCARTHY'S, et al ³ <i>Defendants.</i>
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**DECISION AND ORDER ON DEFENDANT KAREN READ'S MOTION TO COMPEL
NICOLE AND BRIAN ALBERT, JENNIFER AND MATTHEW MCCABE, ALLIE
MCCABE, AND BRIAN HIGGINS TO ATTEND DEPOSITIONS AND PRODUCE
DOCUMENTS PURSUANT TO NON-PARTY SUBPOENAS (PAPER NO. 141)**

In this motion, docketed June 29, 2026, Ms. Read seeks an order requiring non-parties "each to immediately provide 3 non-overlapping dates for deposition" before July 17 and to provide responsive documents within 10 days. The filings reflect that non-party Allie McCabe was deposed on June 18, 2026 and non-party Brian Higgins' deposition is scheduled for July 9, 2026, so it is not clear why the request for dates includes them. As to the dispute as to the remaining non-parties, I am not sure what is more in conflict, i) the statement by Ms. Read's counsel that he "was (and is) willing to accommodate reasonable scheduling conflicts and concerns" with the failure to pick one of the many dates set forth in ¶ 8 of the affidavit of counsel for the non-parties, or ii) the failure of counsel for the non-parties, as referenced in Ms. Read's reply, to describe to the court the concerns about specific requests with the knowledge of the staunch position of counsel for Ms. Read that the non-parties waived their right to object. The positions of both counsel simply result in unnecessary motion practice.

It is ORDERED that:

1. On or before Thursday, July 9, 2026 at 3:00 p.m., Ms. Read's counsel shall notify counsel for the non-parties of his choice of the July deposition dates offered for each of the non-parties;
2. On or before Thursday, July 9, 2026 at 3:00 p.m., counsel for the non-parties shall notify Ms. Read's counsel in writing of the concerns about specific requests, not general objections;
3. Counsel shall then confer to try to come to an agreement on the requests that can be narrowed. Counsel should be able to narrow the requests without the court stepping in.

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.

Previous orders and actions of the court on similar motions (see, e.g., Papers Nos. 124 and 130) may provide counsel with some guidance;

4. If counsel cannot come to an agreement as to narrowing the requests, they shall set forth their respective positions in a submission of not more than one page to be filed on or before 3:00 p.m. on July 13, 2026.

July 7, 2026


Mark C. Gildea
Justice of the Superior Court