

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS

SUPERIOR COURT DEPARTMENT

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.

Civil Action No. 2483cv00692

**DEFENDANT KAREN READ'S OPPOSITION
TO PLAINTIFFS' MOTION TO COMPEL FURTHER
ANSWERS TO PLAINTIFF JOHN O'KEEFE II'S FIRST SET OF INTERROGATORIES**

Plaintiff John O'Keefe, II's ("Plaintiff") Motion to Compel (the "Motion") seeks information Plaintiff already has, as well as irrelevant and personally sensitive medical information. The Motion should be denied.

Specifically, Plaintiff seeks (i) the identity of Karen Read's ("Read") primary care physician for the two (2) year period before January 29, 2022; (ii) a description of every prescription medication she was taking, had been prescribed, or had access to on January 28-29, 2022, including dosages and the condition for which any such medication was prescribed to her; and (iii) her financial records that reflect the purchases and transactions she made on January 28-

29, 2022. Read's medical information is irrelevant to Plaintiffs' claims or Read's defenses and is private and protected. These Interrogatories amount to an improper fishing expedition targeting information for some purpose other than litigating the claims in this case. Additionally, Read has already produced documents sufficient to provide the relevant financial information the Motion seeks, including her credit card and bank statements that show her purchases and transactions on January 28-29, 2022.

Medical Information

Interrogatory No. 1 seeks the identity of Read's primary care physician for a twenty-four (24) month period (from January 2020 through January 29, 2022). Interrogatory No. 2 likewise asks about Read's physical and mental health on January 28-29, 2022, including seeking a description of each medication that she ingested, was prescribed to her, or which she had access to. Plaintiff also requests that she provide details as to the diagnoses for which each such medication was prescribed to her. Plaintiffs state that, armed with the identity of her primary care physician, they will seek her medical records.

Read objected because the information sought is irrelevant and confidential. The SJC has recognized "a legislatively created policy favoring the confidentiality of medical records," despite the fact that Massachusetts does not recognize an absolute privilege barring discovery of medical information in civil litigation. *Commonwealth v. Senior*, 433 Mass. 453, 457 n.5, 744 N.E.2d 614 (2001).¹ Additionally, Mass. Gen. Laws c. 214, § 1B states, "A person shall have a

¹ Statutory sources concerning the confidentiality or use of medical record, include M.G. L. c. 111, § 70 (hospital and clinic records are not subject to public records requests); M. G. L. c. 111, § 70E (b) ("Every patient or resident of a facility shall have the right ... to confidentiality of all records and communications to the extent provided by law"); and M.G. L. c. 233, § 79 (hospital records produced in court must be returned to hospital upon completion of trial or hearing when no longer required).

right against unreasonable, substantial or serious interference with his privacy”, and there are few sources of information, if any, that are more private than a person’s medical information, including the medications she takes and the reasons for the medication. Plaintiff has not shown any need for this information, much less a need that would overcome the policy described by the SJC in *Senior*.

In fact, Read’s health, let alone her health history from January 2020 through January 2024, is irrelevant to this case and therefore outside the scope of Rule 26. Plaintiff contends that this private information is discoverable to help him prove “her level of intoxication and any additional factors that may have enhanced her impairment.” They fail to explain how her detailed medical history would help them establish Read’s level of intoxication or cite any law to support their contentions. Instead, they rely on an apparent statement by Read’s father where he is alleged to have voiced concern to a 911 operator that his daughter “has a boatload of pills because of her condition and she could take an overdose.” A literal reading of Mr. Read’s alleged statement is that he was worried she could overdose because of the traumatic stress of learning her boyfriend was dead; not because she was taking a “boatload of pills” that impaired her driving abilities. Through two lengthy criminal trials and discovery in this case, there has been no allegation that Read was impaired by prescription medication on the night/early morning John O’Keefe died.

Further, at the end of her second criminal trial, Read was convicted for operating under the influence of alcohol. Although she disputed that finding in that case, her toxicology results, including her blood-alcohol level during the pertinent time frame, are a matter of public record. Thus, there is no need for Plaintiffs to delve into her private medical history in order to pursue their civil claims. Such discovery is not reasonably calculated to lead to the discovery of

admissible evidence, and the resultant invasion of Read's core privacy interests would be disproportionate to the needs of the case.

For these reasons, Plaintiffs' motion to compel should be denied.

The Defendant,

KAREN READ

By Her Attorneys:

/s/ Damon M. Seligson

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Dated: June 19, 2026

CERTIFICATE OF SERVICE

I certify that a copy of this document was served on all counsel of record by email on June 19, 2026.

/s/ Damon M. Seligson

Damon M. Seligson