

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss.

SUPERIOR COURT
C.A. NO. 2483CV00692PAUL O'KEEFE¹, et al²
Plaintiffs,

v.

C&C HOSPITALITY, LLC, d/b/a C.F.
MCCARTHY'S, et al³
*Defendants.***ACKNOWLEDGEMENT OF VARIOUS
MOTIONS TO CLARIFY THE RECORD**

The Court has received Ms. Read's "Emergency Motion to Clarify the Record" submitted July 1, 2026, "Supplemental Memorandum of Law In Support of Emergency Motion to Clarify the Record" submitted July 2, 2026, and "Motion to Clarify the Record" submitted June 12, 2026 (Paper No. 127). The motions have been docketed, but no action is required on these filings as they are not the proper use of a motion to clarify.

Such a motion should be a targeted request to the court to provide clarification of a previous judgment, order, or ruling that appears unclear. It should not be used as an opportunity to respond to generic statements from the bench, submit additional information, or to seek to get a party's position into the record.⁴ If counsel wishes to bring to the Court's attention information discovered after counsel's June 26, 2026 letter to me⁵, a motion for reconsideration, in compliance with Superior Rule 9D, would be proper procedure.⁶

With respect to the submissions of July 1 and 2, the only relevant Order was to preclude further attempts to take discovery from a non-party pending further Orders of the Court. The Court invited counsel to come to an agreement to hold private personal information in confidence which the Court would consider entering as an Order. If no such agreement is filed before 4:30 p.m. on July 9, 2026, the Court will issue further orders it deems appropriate.



July 6, 2026

Mark C. Gildea
Justice of the Superior Court

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 Paper No. 127 acknowledges that its purpose is "to address and respond to the Court's statements". Any similar motions sought to be filed in the future will not be docketed.

⁵ Such letter and the June 25 letter from counsel for the non-party are provisionally impounded pending any further hearing on the issues raised therein.

⁶ Rule 9D provides that such motions shall be served and processed consistent with Rules 9A and 9C. If a motion under Rule 9D is filed, Rule 9C conferral would necessarily include the non-party's counsel. I recognize that conferral with the other parties in the case may not be warranted, and except such requirement at the option of Ms. Read's counsel. Even though I do not consider the issue to be an emergency, I would, as always, accommodate counsel and schedule an expedited hearing on a mutually agreed upon date.