

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,

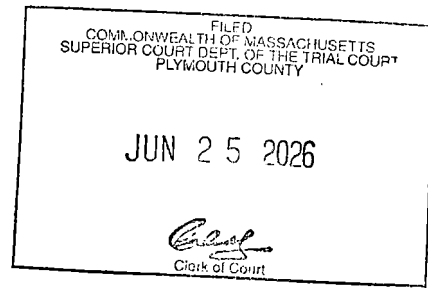
Plaintiffs,

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 MOTION TO QUASH**

Apparently, buoyed by the treatment that other subpoenaed witnesses are getting by resisting their depositions, subpoenaed witness Brian Tully ("Tully") now seeks to stand in the same line by filing a motion seeking to quash his subpoena. And, like the other subpoenaed non-parties (Jennifer and Matthew McCabe, Brian and Nicole Albert, and Brian Higgins, Colin Ablert, and Julie Albert (who just didn't show up for her deposition on June 16th)) who all ignored Rule 45 requirement regarding valid objections to document requests, Tully now wants the Court to credit his invalid objection and does not want to produce any documents either. Karen Read ("Read") respectfully requests that the Court simply deny this Motion immediately on the papers and without hearing.

As the Court requested, this Opposition will be short, and is being served the same day (June 18th) as receiving the Motion (June 18th) so it can get before the Court quickly. Read's counsel is also specifically requesting that Tully's counsel file his Motion and the Opposition electronically on June 19th so that the Court can rule on it immediately.

Substantively, the Court only needs to know the following limited information:

- Read's counsel issued a subpoena on May 19th (*see* subpoena attached hereto as *Exhibit 1*) requiring Tully to produce documents by June 1st and sit for deposition on June 11th;
- On May 19th, Tully's counsel accepted service of a subpoena (*see* email chain attached hereto as *Exhibit 2*);
- On May 19th, Tully's counsel asked to re-schedule the deposition, and both counsel agreed to July 8th ;
- Rule 45 requires a written objection to the subpoena within 10 days of service;
- Here, that period for objection expired on May 29th, by which date Tully did not serve any objection;
- On June 18th, for the first time, Tully sent an email attaching a "Rule 45 Objection" and "Motion to Quash;
- Tully's counsel never previously communicated any of these concerns to Read's counsel, and failed to have a Superior Court Rule 9C conference.

The argument here can be equally brief. Tully looks to quash or limit the deposition and document production. He makes two arguments; both fail. First, he argues that this Court should somehow wait for the federal court case. There is not a rule or practice - and he does not cite any - that allows a subpoenaed witness to dictate the discovery schedule and the issuance of stays for a case (and a Court) in which he is not a party. But even if there were, the alleged scheduling concern doesn't come close to the level of significance required to warrant a stay of discovery in this matter.

Second, Tully argues that the documents requests are too broad and unduly burdensome. But there is only one way that he can even raise this objection: he needed to preserve it under Rule 45 by making an objection within 10 days. He didn't do that, and it wasn't close. Moreover, his attorneys were involved from the very beginning, and they provide no reason in their brief – let alone good cause – for their failure.

However, putting that aside for the moment, Tully's counsel didn't even attempt to communicate with Read's counsel about narrowing prior to serving the Motion. Nor did Tully's counsel conduct a Superior Court Rule 9C conference. Rather, it appears, that Tully simply watched the manner in which other subpoenaed parties have been handled in this case, and made a calculated decision to ignore the agreement between counsel to go forward with the deposition on July 8th, ignore Rule 45 Requirements, and hope that somehow this Court will forgive it.

The Court has an opportunity here to demonstrate that subpoenas actually have meaning, attorneys' agreements to convene depositions on certain dates should be enforced, and Rules of Civil Procedure actually have consequences.

Respectfully submitted,

KAREN READ,

By her attorneys,

/s/ Charles M. Waters

Damon M. Seligson (BBO# 632763)
Charles M. Waters (BBO# 631425)
Aaron D. Rosenberg (BBO# 684826)
Sheehan Phinney Bass & Green, PA
28 State Street, 22nd Floor
Boston, MA 02109
617.897.5600
dseligson@sheehan.com
cwaters@sheehan.com
arosenberg@sheehan.com

Arthur E. Maravelis (BBO# 564673)
Thomas M. Tang (BBO# 642578)
Sarah A. Shipley (BBO# 678753)
Michael W. Bell (BBO# 697529)
TANG & MARAVELIS, P.C.
111 South Bedford Street, Suite 200
Burlington, MA 01803
(781) 221-1400
amaravelis@tangmaravelis.com
ttang@tangmaravelis.com
sshipley@tangmaravelis.com
mbell@tangmaravelis.com

WERKSMAN JACKSON & QUINN LLP

Alan J. Jackson, *pro hac vice*
Caleb E. Mason, *pro hac vice*
Elizabeth S. Little, *pro hac vice*
Werksman Jackson & Quinn LLP
888 West Sixth Street, Fourth Floor
Los Angeles, CA 90017
(213) 688-0460
ajackson@werksmanjackson.com
cmason@werksmanjackson.com
elittle@werksmanjackson.com

Dated: June 18, 2026

CERTIFICATE OF SERVICE

I certify that I served a copy of this document on all counsel of record by email on June 18, 2026.

/s/ Charles M. Waters

EXHIBIT 1

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

SUBPOENA

To: Brian Tully
c/o Timothy M. Burke
Law Office of Timothy M. Burke
117 Kendrick Street, Suite 300
Needham, MA 02494

GREETINGS, YOU ARE HEREBY COMMANDED, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to produce the documents identified in the attached **Schedule A** at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts 02109, on or before **June 1, 2026, at 10:00 a.m.**

YOU ARE FURTHER COMMANDED to appear at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts 02109, on **June 11, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of a deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths.

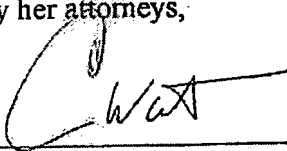
The deposition will continue day to day as necessary and will be recorded stenographically and by audio-visual means.

HEREOF FAIL NOT, as failure by any person without adequate excuse to obey a subpoena served upon him may be deemed a contempt of the court in which the action is pending.

Respectfully submitted,

KAREN READ,

By her attorneys,



Damon M. Seligson (BBO# 632763)

Charles M. Waters (BBO# 631425)

Aaron D. Rosenberg (BBO# 684826)

Sheehan Phinney Bass & Green, PA

28 State Street, 22nd Floor

Boston, MA 02109

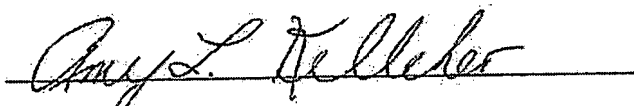
617.897.5600

dseligson@sheehan.com

cwaters@sheehan.com

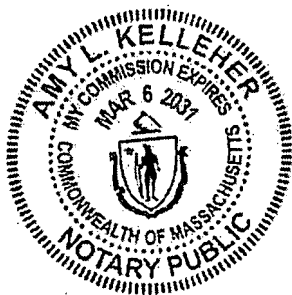
arosenberg@sheehan.com

Dated: May 5, 2026



Notary Public

My Commission Expires: 3/6/2031



SCHEDULE A

DEFINITIONS

Unless specifically indicated, or otherwise required by the context in which the terms, names, and instructions are used:

1. **"Document"** or **"documents"** means all written, printed, typed, or other graphic matter; all print-outs and run-offs now, or at any time, in your possession, custody or control, or known to you, whether or not prepared by you. "Document" or "documents" includes, but is not limited to, all correspondence, agreements, memoranda, reports, notes, drafts of documents, internal communications, interoffice communications, telegrams, letters, directives, bulletins, accounts, vouchers, invoices, bills, ledgers, financial statements, analyses, estimates, maps, charts, graphs, drawings, work sheets, minutes, and summaries of meetings, conversations, or communications of any type, including telephone conversations and telephone messages, text messages, electronically stored information, electronic mail, instant messages, and information stored on CD-ROM and/or tape. "Document" or "documents" also include all copies and drafts which are not identical to the original.
2. A **"recording"** means any original or copies, either full or partial, of any responsive audio or video recording, including all metadata associated with such recordings. "Recording" also includes any derivative works or derivative video or audio compilations.
3. The term **"concerning"** means referring to, relating to, describing, evidencing, or constituting.
4. The term **"communication"** means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise) in whatever form, written or verbal or otherwise.
5. **"Representative"** or **"representatives"** used with reference to a person or entity, means (a) any past or present officer, director, partner, associate, employee, servant, agent, subsidiary, affiliate, legal counsel, or any agent of such persons; and (b) any other persons acting on behalf of, or in concert with, such persons, including, without limitation, insurance brokers or agents, auditors, actuaries, and consultants of any type.
6. **"Relate(s) to," "related to," or "relating to"** means to refer to, reflect, concern, pertain to, or in any manner be connected with the matter discussed.

INSTRUCTIONS

1. **Documents Withheld.** If any document is withheld under a claim of privilege or other protection, so as to aid the Court and the parties hereto to determine the validity of the

claim of privilege or other protection, please provide the following information with respect to any such documents:

- (a) the identity of the person(s) who prepared the document, who signed it, and over whose name it was sent or issued;
- (b) the identity of the person(s) to whom the document was directed;
- (c) the nature and substance of the document with sufficient particularity to enable the Court and parties hereto to identify the document;
- (d) the date of the document;
- (e) the identity of the person(s) who has custody of, or control over the document and each copy thereof;
- (f) the identify of each person to whom copies of the document were furnished;
- (g) the number of pages;
- (h) the basis on which any privilege or other protection is claimed; and,
- (i) whether any non-privileged or non-protected matter is included in the document.

2. **Partial Production.** If you object to a particular request, or portion thereof, you must produce all documents called for which are not subject to that objection. Similarly, wherever a document is not produced in full, please state with particularity the reason or reasons it is not being produced in full, and describe, to the best of your knowledge, information and belief, and with as much particularity as possible, those portions of the document which are not produced.
3. **Orderly Response.** Wherever it is reasonably practicable, please produce documents in such manner as will facilitate their identification with the particular request or category of requests to which they are responsive.
4. **Construction of "and" and "or".** As used herein, the words "and" and "or" shall be construed both conjunctively and disjunctively, and each shall include the other wherever such dual construction will serve to bring within the scope of these requests and any documents which would otherwise not be brought within its scope.
5. **Construction of the Singular and Plural Forms.** As used herein, the singular form shall include the plural and vice versa whenever such dual construction will serve to bring within the scope of these requests any documents which would otherwise not be brought within its scope.
6. **Format for Production.** For all documents currently stored in electronic format, produce those documents in their electronic, native form with all metadata intact. For

example, emails should be produced in .pst format and audio and video recordings should be produced in their native forms with all metadata intact. If you intend to produce documents in a format other than that specified in these instructions, please notify Plaintiff's counsel before making the production.

7. **Supplementation Required.** To the extent you obtain possession, custody, or control of a document that is responsive to these requests after you make your production in response to these requests, you must supplement that initial production with the newly acquired document.

DOCUMENT REQUESTS

1. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, to, from, or concerning Karen Read, or any of her family members, heirs, assigns, employees, contractors, agents, attorneys, or other representatives.
2. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, concerning the 2021 black Lexus LX 570 SUV leased by Karen Read as of January 28, 2022.
3. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, concerning or referring to the death of John J. O'Keefe, III on or about January 29, 2022.
4. All documents, video or audio recordings, or communications, including but not limited to emails, text messages, and other forms of instant messages, to, from, or concerning John O'Keefe, II, Paul O'Keefe, or Margaret O'Keefe from January 1, 2021 to the present.
5. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, to, from, or concerning Brian Albert, Nicole Albert, Chris Albert, Julie Albert, Colin Albert, Brian Higgins, Jennifer McCabe, Matthew McCabe, Allison McCabe, Kerry Roberts, or any other individual present at 34 Fairview Road, Canton, Massachusetts 02021 on January 28 or January 29, 2022, or any interviews, meetings, conversations, or encounters with any such individuals, from January 1, 2021 to the present.
6. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, to, from, or concerning any member of the Canton Police Department from January 28, 2022 through the present.
7. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, to, from, or concerning any member of the Boston Police Department from January 28, 2022 through the present.

8. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, concerning 34 Fairview Road, Canton, Massachusetts 02021.
9. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, concerning any dog owned, kept, or fostered by any member of the Albert family at 34 Fairview Road, Canton, Massachusetts 02021, from January 1, 2021 to the present.
10. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, concerning any investigation by any federal agency, department, board, administration, office, or agent relating in any way to the death of John J. O'Keefe, III from January 28, 2022 to the present.
11. All documents and communications with the Norfolk District Attorney's Office from January 28, 2022 through the present concerning Karen Read, John J. O'Keefe III, Michael Proctor, Yuri Bukhenik, or any prosecution of, or litigation involving, Ms. Read.
12. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, to, from, or concerning Michael Proctor from January 28, 2022 to the present.
13. All documents, video or audio recordings, and communications concerning any disciplinary investigation, proceeding, decision, action, or appeal concerning your conduct as an employee of the Massachusetts State Police, from January 1, 2021 through the present.
14. All documents, video or audio recordings, and communications concerning any disciplinary investigation, proceeding, decision, action, or appeal concerning Michael Proctor's or Yuri Bukhenik's conduct as an employee of the Massachusetts State Police, from January 1, 2021 through the present.
15. All non-privileged documents and communications concerning this litigation, the litigation captioned *Read v. Proctor, et al.*, D. Mass., Civil Action No. 1:25-cv-13588-DJC, the litigation captioned *McCabe v. Read, et al.*, Barnstable Superior Court, Civil Action No. 2672CV00125, or any other current, past, or potential litigation involving Karen Read.

EXHIBIT 2

Charles M. Waters

From: jflynn@timburkelaw.com
Sent: Wednesday, May 20, 2026 1:36 PM
To: Charles M. Waters
Cc: Aaron D. Rosenberg; Damon M. Seligson; Timothy Burke; Jared Burke
Subject: RE: O'Keefe v. Read et als / Brian Tully Subpoena

Confirmed.

Best,

BURKE LAW

THE LAW OFFICES OF TIMOTHY M. BURKE

Jessica Murray, Office Manager
Law Offices of Timothy M. Burke
117 Kendrick Street, Suite 300
Needham, MA 02494
P: (781) 455-0707

-----Original Message-----

From: "Charles M. Waters" <cwaters@sheehan.com>
Sent: Wednesday, May 20, 2026 1:29pm
To: "jflynn@timburkelaw.com" <jflynn@timburkelaw.com>
Cc: "Aaron D. Rosenberg" <arosenberg@sheehan.com>, "Damon M. Seligson" <dseligson@sheehan.com>, "Timothy Burke" <attytimburke@gmail.com>, "Jared Burke" <burkejared@gmail.com>
Subject: RE: O'Keefe v. Read et als / Brian Tully Subpoena

OK. Let's schedule it for July 8th. Please confirm.

From: jflynn@timburkelaw.com <jflynn@timburkelaw.com>
Sent: Wednesday, May 20, 2026 1:26 PM
To: Charles M. Waters <cwaters@sheehan.com>
Cc: Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Timothy Burke <attytimburke@gmail.com>; Jared Burke <burkejared@gmail.com>
Subject: RE: O'Keefe v. Read et als / Brian Tully Subpoena

Unfortunately, we have no June availability that work for both Attorney Burke and Mr. Tully. We could do July 6, 7, or 8.

Best,

BURKE LAW

THE LAW OFFICES OF TIMOTHY M. BURKE

Jessica Murray, Office Manager
Law Offices of Timothy M. Burke
117 Kendrick Street, Suite 300
Needham, MA 02494
P: (781) 455-0707

-----Original Message-----

From: "Charles M. Waters" <cwaters@sheehan.com>
Sent: Wednesday, May 20, 2026 12:20pm
To: "jflynn@timburkelaw.com" <jflynn@timburkelaw.com>, "Aaron D. Rosenberg" <arosenberg@sheehan.com>, "Damon M. Seligson" <dseligson@sheehan.com>
Cc: "Timothy Burke" <attytimburke@gmail.com>, "Jared Burke" <burkejared@gmail.com>
Subject: RE: O'Keefe v. Read et als / Brian Tully Subpoena

Thank you. If June 11th doesn't work, I would appreciate receiving several proposed alternative dates during that same timeframe.

From: jflynn@timburkelaw.com <jflynn@timburkelaw.com>
Sent: Tuesday, May 19, 2026 5:35 PM
To: Charles M. Waters <cwaters@sheehan.com>; Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
Cc: Timothy Burke <attytimburke@gmail.com>; Jared Burke <burkejared@gmail.com>
Subject: O'Keefe v. Read et als / Brian Tully Subpoena

Good afternoon,

We are in receipt of your deposition subpoena for Brian Tully, with regard to the above referenced matter. Attorney Burke will accept service on his behalf but we are unavailable on June 1. Attorney Burke will be on trial May 26 through June 5. I will reach out to our client and get back to you with our availability.

Best,

BURKE LAW

THE LAW OFFICES OF TIMOTHY M. BURKE

Jessica Murray, Office Manager
Law Offices of Timothy M. Burke
117 Kendrick Street, Suite 300
Needham, MA 02494
P: (781) 455-0707

Begin forwarded message:

From: "Charles M. Waters" <cwaters@sheehan.com>
Subject: O'Keefe v. Read et als / Brian Tully Subpoena

Date: May 5, 2026 at 2:48:01 PM EDT

To: "burkejared@gmail.com" <burkejared@gmail.com>, "attytimburke@gmail.com" <attytimburke@gmail.com>

Cc: "Aaron D. Rosenberg" <arosenberg@sheehan.com>, "Damon M. Seligson" <dseligson@sheehan.com>

Good afternoon –

I understand that you represent Brian Tully. I have attached a subpoena for Mr. Tully in the above-referenced matter. Would you agree to accept service on his behalf?

Best,
Chas.

Charles M. Waters
Shareholder

Sheehan Phinney Bass & Green
28 State Street
Boston, MA 02109
T 617.897.5644 (direct)
T 617.429.1265 (cell)
cwaters@sheehan.com
www.sheehan.com

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and automatically archived by Mimecast.

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and automatically archived by Mimecast.

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and automatically archived by Mimecast.