

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS

SUPERIOR COURT DEPARTMENT

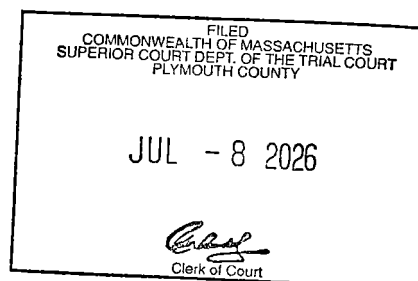
PAUL O'KEEFE, as Personal Representative
of the Estate of JOHN JOSEPH O'KEEFE III,
PAUL O'KEEFE, Individually, JOHN
O'KEEFE II, MARGARET O'KEEFE, and
MARGARET O'KEEFE as Grandparent/
Guardian of KAYLEY FURBUSH,

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



**EMERGENCY MOTION FOR RECONSIDERATION OF ORDER DELAYING
DEPOSITION OF MICHAEL PROCTOR**

Defendant Karen Read respectfully requests that the Court reconsider its June 29 Order staying further discovery of Michael Proctor. The Court stated on the record that it had stayed the second day of Proctor's deposition because an attorney with an appearance in this case had "violated either the letter or spirit of the Rule." That statement is incorrect. First, the X post that the Court cited as the only evidence that its impoundment order had been violated was actually posted **before** Proctor's relevant June 8, 2026 filing. Second, the information that the Court claimed had been disclosed by an attorney **was already public as of June 6, 2026 at the latest,**

more than two days before the filing or impoundment order at issue.¹ Thus, the foundation upon which the Court relied to suspend Proctor's deposition was mistaken and the Court should vacate its Order to avoid unnecessary delay in discovery, particularly where the second day of Proctor's deposition is already scheduled for July 14.²

The Post in Question Was Created at 10:52 AM Eastern Time

The Court stated at hearing that it was staying further discovery of Proctor because Proctor's counsel sent certain impounded pleadings and exhibits to the Court and counsel at 2:22 pm on June 8 and that the X post in question was created "exactly thirty minutes after the email to counsel of record" and contained information "similar" to the information contained in Proctor's filing. That is incorrect.

As the Court can see below, the X post in question, which was provided to the Court by Proctor's counsel in a letter that prompted the Court's June 30 Order, was created at **10:52 am Eastern Time**. The image provided by Proctor's counsel had a 2:52 pm timestamp. However, that is because it was apparently accessed by a user without an X account, which defaults the time zone to Coordinated Universal Time ("UTC") – four hours ahead of Eastern Time. *See* <https://docs.x.com/x-ads-api/fundamentals/timezones>. When accessed by a user with an account set to Eastern Time, the post appears as follows:

¹ Read's counsel was prepared to present the evidence presented here at the July 1 in-person hearing. However, after delivering its prepared remarks, the Court left the bench and refused to allow any party to be heard.

² Read brings this Motion on an emergency basis because the second day of Proctor's deposition is already scheduled for July 14 and all counsel and parties have already planned for that date. It is particularly important to protect this scheduled date because Proctor previously asserted that he had limited availability. It would be unduly and unnecessarily costly and burdensome to force Read to miss a previously scheduled deposition day because of the Order, which was based on an incorrect premise. Were Read to serve this Motion via Rule 9A, the oppositions would not be due until after that currently scheduled date. Read's counsel conferred with Proctor's counsel concerning this Motion prior to filing it.



Aidan Kearney
@DoctorTurtleboy

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Michael Proctor decided to have a mental health crisis after the whole world found out how racist he is. Sources tell us he checked himself into a mental health facility in Florida to try to avoid today's deposition. They filed a motion at the last minute on Friday to delay the depo, but the Judge wanted proof. They submitted an affidavit that was impounded because it likely said Proctor was in a mental hospital. Karen Read's lawyer made the mistake of saying the scheduling of the deposition was strategic, which the judge took issue with based on her comments on the Today Show. He stayed the depo for 24 hours and at 4:15 a hearing will be held. My guess is he's gonna tell Proctor to jump on a plane and stop being such a pussy so Alan can depose him tomorrow.

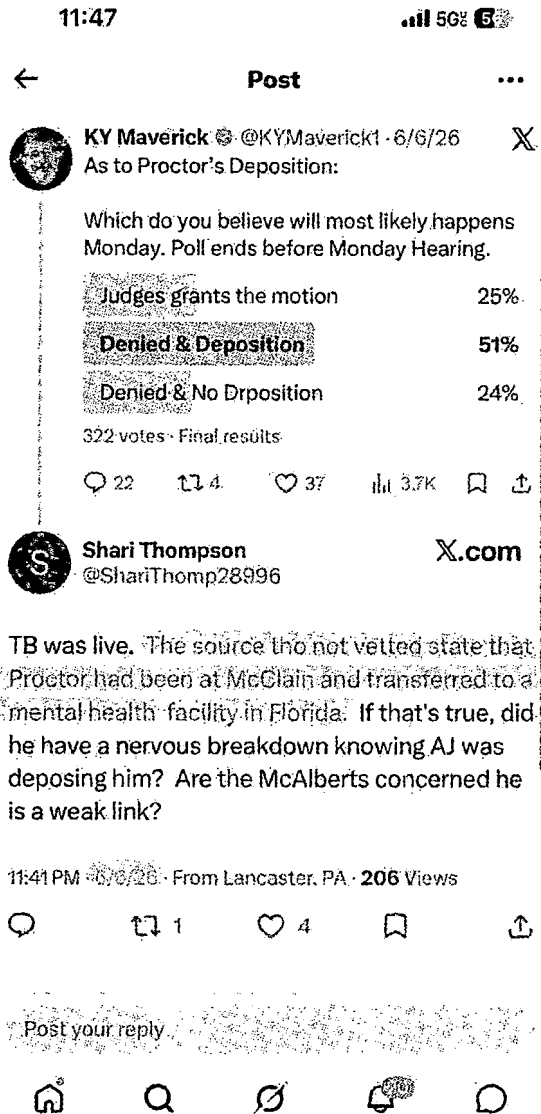
10:52 AM · Jun 8, 2026 · 167.4K Views

The message was actually posted more than three hours before Proctor's filing and not "exactly thirty minutes after" it. Therefore, it does not prove or suggest that anyone has violated the Court's impoundment order.

The Information in the X Post the Court Referred to Was Public Two Days Before Proctor's Counsel Filed or Served the Pleadings and Exhibits the Court Relied on to Justify Its Order

On June 6, the X user the Court referred to on July 1 held a livestream on YouTube during which he stated that he had received the same information from a third party. That was **two days before** the impounded filing the Court believes was improperly shared. That YouTube Clip is contained on the USB Drive attached as Exhibit 1.

The following posts³ that also pre-date the June 8th impounded filing also show that the information in question was public prior to that filing:



³ Read is mindful of the Court's prior statement to counsel that social media posts "are not evidence." However, they are relevant here because the Court expressly relied on social media posts as justification for its Order.



The Court's remedy for what it incorrectly determined was a violation of its impoundment order has primarily impacted Read, who is the party who subpoenaed Proctor, began taking his deposition, scheduled a second day of testimony, and has spent significant resources compelling and taking his testimony. Additionally, despite the fact that there is no

evidence of any violation of the Court's impoundment order, Read has, as the Court instructed, made a proposal to all parties concerning an order she would agree to propose to the Court concerning deponents' medical information. No other party has responded to Read's proposal. This comes on the heels of Read earlier proposing to all counsel that witnesses' testimony (in transcript, audio, or video form) only be used for the ongoing litigation, and not otherwise disseminated. As Read indicated previously, the Plaintiffs have never responded to that proposal or multiple follow ups. Under these circumstances, and to prevent further prejudice to Read, the Court should reconsider its Order, vacate it, and permit Read to proceed with Proctor's deposition on July 14.

WHEREFORE, Defendant Karen Read respectfully requests that the Court reconsider its June 30, 2026 Order and vacate its stay of discovery from Michael Proctor.

Respectfully submitted,

KAREN READ,

By her attorneys,

/s/ Aaron D. Rosenberg

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Dated: July 8, 2026

CERTIFICATE OF COMPLIANCE WITH SUPERIOR COURT RULE 9C

I certify that I conferred with counsel to third party Michael Proctor prior to filing this Motion, pursuant to Rule 9C and the Court's Acknowledgment. The conference took place by phone at 9:35 am on July 8, 2026; I participated for Karen Read and Tom DiGangi participated for Michael Proctor.

/s/ Aaron D. Rosenberg

Aaron D. Rosenberg

CERTIFICATE OF SERVICE

I certify that I served a copy of this document on all counsel of record, as well as counsel to third party Michael Proctor, by email on July 8, 2026.

/s/ Aaron D. Rosenberg

Aaron D. Rosenberg