Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

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
(Memorandum incorporated)

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties' counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties did not serve objections to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, and belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Case Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025)("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party to provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

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
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Arthur E. Maravelis (BBO# 564673)
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Alan J. Jackson, *pro hac vice*
Caleb E. Mason, *pro hac vice*
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Los Angeles, CA 90017
(213) 688-0460
ajackson@werksmanjackson.com
cmason@werksmanjackson.com
elittle@werksmanjackson.com

Dated: June 8, 2026

CERTIFICATE OF SERVICE

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Docket Number 2483CV00692

# EXHIBIT 1

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Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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.

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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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

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4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

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12. "**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.

13. "**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

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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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.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Superior Court - Plymouth
Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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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.

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## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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
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arosenberg@sheehan.com

Arthur E. Maravelis (BBO# 564673)
Thomas M. Tang (BBO# 642578)
Sarah A. Shipley (BBO# 678753)
Michael W. Bell (BBO# 697529)
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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 8, 2026

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

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Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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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.

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## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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## DEFINITIONS

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2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

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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.

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13. "**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

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(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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

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7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

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**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 8, 2026

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Superior Court - Plymouth
Docket Number 2483CV00692

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.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

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7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

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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.

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10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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

## Disclaimer

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

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Docket Number 2483CV00692

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
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Arthur E. Maravelis (BBO# 564673)
Thomas M. Tang (BBO# 642578)
Sarah A. Shipley (BBO# 678753)
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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
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(213) 688-0460
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elittle@werksmanjackson.com

Dated: June 8, 2026

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

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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.

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10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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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.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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:

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

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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
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ajackson@werksmanjackson.com
cmason@werksmanjackson.com
elittle@werksmanjackson.com

Dated: June 8, 2026

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**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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
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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
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(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 8, 2026

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

Sheehan Phinney Bass & Green
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Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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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.

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11. 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.

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13. "**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

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(a) the identity of the person(s) who prepared the document, who signed it, and over whose name it was sent or issued;

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Docket Number 2483CV00692

(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.

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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.

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## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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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.

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

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 8, 2026

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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.

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Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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## DEFINITIONS

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1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

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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.

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11. 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.

12. "**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.

13. "**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;

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(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.

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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.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

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Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

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Docket Number 2483CV00692

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
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(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 8, 2026

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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T 617.429.1265 (cell)
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Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

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F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

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c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Superior Court - Plymouth
Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Superior Court - Plymouth
Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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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.

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Superior Court - Plymouth
Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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

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Superior Court - Plymouth
Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

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Docket Number 2483CV00692

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
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Arthur E. Maravelis (BBO# 564673)
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WERKSMAN JACKSON & QUINN LLP

Alan J. Jackson, *pro hac vice*
Caleb E. Mason, *pro hac vice*
Elizabeth S. Little, *pro hac vice*
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elittle@werksmanjackson.com

Dated: June 8, 2026

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**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

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11. 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.

12. "**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.

13. "**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

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(a) the identity of the person(s) who prepared the document, who signed it, and over whose name it was sent or issued;

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Docket Number 2483CV00692

(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Superior Court - Plymouth
Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

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7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

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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.

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12. "**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.

13. "**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

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(a) the identity of the person(s) who prepared the document, who signed it, and over whose name it was sent or issued;

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(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.

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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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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# EXHIBIT 2

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Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

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Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

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Docket Number 2483CV00692

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
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Arthur E. Maravelis (BBO# 564673)
Thomas M. Tang (BBO# 642578)
Sarah A. Shipley (BBO# 678753)
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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*
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cmason@werksmanjackson.com
elittle@werksmanjackson.com

Dated: June 8, 2026

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Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

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**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 8, 2026

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Superior Court - Plymouth
Docket Number 2483CV00692

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.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

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7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

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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.

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10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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

## Disclaimer

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

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Docket Number 2483CV00692

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
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Arthur E. Maravelis (BBO# 564673)
Thomas M. Tang (BBO# 642578)
Sarah A. Shipley (BBO# 678753)
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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
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(213) 688-0460
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elittle@werksmanjackson.com

Dated: June 8, 2026

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

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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.

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10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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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.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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:

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

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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
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ajackson@werksmanjackson.com
cmason@werksmanjackson.com
elittle@werksmanjackson.com

Dated: June 8, 2026

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**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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
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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
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(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 8, 2026

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

Sheehan Phinney Bass & Green
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Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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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.

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11. 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.

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13. "**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

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(a) the identity of the person(s) who prepared the document, who signed it, and over whose name it was sent or issued;

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Docket Number 2483CV00692

(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.

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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.

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## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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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.

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

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 8, 2026

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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.

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Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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## DEFINITIONS

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1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

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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.

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11. 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.

12. "**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.

13. "**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;

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(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.

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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.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

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Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

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Docket Number 2483CV00692

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
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(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 8, 2026

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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T 617.429.1265 (cell)
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Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

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F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

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c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Superior Court - Plymouth
Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Superior Court - Plymouth
Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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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.

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Superior Court - Plymouth
Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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

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Superior Court - Plymouth
Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

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Docket Number 2483CV00692

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
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Arthur E. Maravelis (BBO# 564673)
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WERKSMAN JACKSON & QUINN LLP

Alan J. Jackson, *pro hac vice*
Caleb E. Mason, *pro hac vice*
Elizabeth S. Little, *pro hac vice*
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elittle@werksmanjackson.com

Dated: June 8, 2026

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**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

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11. 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.

12. "**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.

13. "**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

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(a) the identity of the person(s) who prepared the document, who signed it, and over whose name it was sent or issued;

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Docket Number 2483CV00692

(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Superior Court - Plymouth
Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

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7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

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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.

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12. "**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.

13. "**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

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(a) the identity of the person(s) who prepared the document, who signed it, and over whose name it was sent or issued;

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(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.

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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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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# EXHIBIT 2

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Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

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Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

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Docket Number 2483CV00692

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
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Arthur E. Maravelis (BBO# 564673)
Thomas M. Tang (BBO# 642578)
Sarah A. Shipley (BBO# 678753)
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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*
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cmason@werksmanjackson.com
elittle@werksmanjackson.com

Dated: June 8, 2026

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Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

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**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 8, 2026

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Superior Court - Plymouth
Docket Number 2483CV00692

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.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

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7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

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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.

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10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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

## Disclaimer

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

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Docket Number 2483CV00692

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
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Arthur E. Maravelis (BBO# 564673)
Thomas M. Tang (BBO# 642578)
Sarah A. Shipley (BBO# 678753)
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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
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(213) 688-0460
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elittle@werksmanjackson.com

Dated: June 8, 2026

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

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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.

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10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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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.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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:

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

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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
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ajackson@werksmanjackson.com
cmason@werksmanjackson.com
elittle@werksmanjackson.com

Dated: June 8, 2026

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**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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
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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
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(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 8, 2026

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

Sheehan Phinney Bass & Green
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Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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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.

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11. 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.

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13. "**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

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(a) the identity of the person(s) who prepared the document, who signed it, and over whose name it was sent or issued;

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Docket Number 2483CV00692

(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.

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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.

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## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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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.

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

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 8, 2026

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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.

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Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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## DEFINITIONS

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1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

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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.

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11. 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.

12. "**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.

13. "**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;

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(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.

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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.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

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Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

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Docket Number 2483CV00692

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
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(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 8, 2026

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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T 617.429.1265 (cell)
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Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

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F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

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c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Superior Court - Plymouth
Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Superior Court - Plymouth
Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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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.

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Superior Court - Plymouth
Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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

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Superior Court - Plymouth
Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

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Docket Number 2483CV00692

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
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Arthur E. Maravelis (BBO# 564673)
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WERKSMAN JACKSON & QUINN LLP

Alan J. Jackson, *pro hac vice*
Caleb E. Mason, *pro hac vice*
Elizabeth S. Little, *pro hac vice*
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elittle@werksmanjackson.com

Dated: June 8, 2026

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**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

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11. 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.

12. "**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.

13. "**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

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(a) the identity of the person(s) who prepared the document, who signed it, and over whose name it was sent or issued;

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Docket Number 2483CV00692

(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Superior Court - Plymouth
Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

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7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

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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.

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12. "**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.

13. "**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

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(a) the identity of the person(s) who prepared the document, who signed it, and over whose name it was sent or issued;

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(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.

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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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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# EXHIBIT 2

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Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

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Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

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Docket Number 2483CV00692

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
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Arthur E. Maravelis (BBO# 564673)
Thomas M. Tang (BBO# 642578)
Sarah A. Shipley (BBO# 678753)
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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*
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cmason@werksmanjackson.com
elittle@werksmanjackson.com

Dated: June 8, 2026

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Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

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**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 8, 2026

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Superior Court - Plymouth
Docket Number 2483CV00692

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.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

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7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

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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.

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10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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

## Disclaimer

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

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Docket Number 2483CV00692

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
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Arthur E. Maravelis (BBO# 564673)
Thomas M. Tang (BBO# 642578)
Sarah A. Shipley (BBO# 678753)
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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
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(213) 688-0460
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elittle@werksmanjackson.com

Dated: June 8, 2026

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

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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.

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10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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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.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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:

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

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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
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ajackson@werksmanjackson.com
cmason@werksmanjackson.com
elittle@werksmanjackson.com

Dated: June 8, 2026

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**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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
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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
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(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 8, 2026

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

Sheehan Phinney Bass & Green
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Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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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.

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11. 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.

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13. "**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

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(a) the identity of the person(s) who prepared the document, who signed it, and over whose name it was sent or issued;

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Docket Number 2483CV00692

(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.

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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.

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## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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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.

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

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 8, 2026

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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.

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Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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## DEFINITIONS

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1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

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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.

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11. 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.

12. "**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.

13. "**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;

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(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.

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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.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

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Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

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Docket Number 2483CV00692

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
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(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 8, 2026

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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T 617.429.1265 (cell)
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Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

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F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

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c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Superior Court - Plymouth
Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Superior Court - Plymouth
Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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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.

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Superior Court - Plymouth
Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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

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Superior Court - Plymouth
Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

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Docket Number 2483CV00692

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
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Arthur E. Maravelis (BBO# 564673)
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WERKSMAN JACKSON & QUINN LLP

Alan J. Jackson, *pro hac vice*
Caleb E. Mason, *pro hac vice*
Elizabeth S. Little, *pro hac vice*
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elittle@werksmanjackson.com

Dated: June 8, 2026

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**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

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11. 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.

12. "**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.

13. "**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

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(a) the identity of the person(s) who prepared the document, who signed it, and over whose name it was sent or issued;

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Docket Number 2483CV00692

(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Superior Court - Plymouth
Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

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7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

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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.

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12. "**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.

13. "**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

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(a) the identity of the person(s) who prepared the document, who signed it, and over whose name it was sent or issued;

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(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.

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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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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# EXHIBIT 2

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Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

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Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

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Docket Number 2483CV00692

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
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Arthur E. Maravelis (BBO# 564673)
Thomas M. Tang (BBO# 642578)
Sarah A. Shipley (BBO# 678753)
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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*
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cmason@werksmanjackson.com
elittle@werksmanjackson.com

Dated: June 8, 2026

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Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

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**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 8, 2026

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Superior Court - Plymouth
Docket Number 2483CV00692

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.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

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7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

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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.

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10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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

## Disclaimer

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

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Docket Number 2483CV00692

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
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Arthur E. Maravelis (BBO# 564673)
Thomas M. Tang (BBO# 642578)
Sarah A. Shipley (BBO# 678753)
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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
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(213) 688-0460
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elittle@werksmanjackson.com

Dated: June 8, 2026

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

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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.

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10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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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.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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:

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

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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
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ajackson@werksmanjackson.com
cmason@werksmanjackson.com
elittle@werksmanjackson.com

Dated: June 8, 2026

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**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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
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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
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(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 8, 2026

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

Sheehan Phinney Bass & Green
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Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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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.

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11. 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.

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13. "**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

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(a) the identity of the person(s) who prepared the document, who signed it, and over whose name it was sent or issued;

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Docket Number 2483CV00692

(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.

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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.

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## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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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.

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

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 8, 2026

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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.

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Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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## DEFINITIONS

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1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

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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.

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11. 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.

12. "**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.

13. "**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;

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(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.

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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.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

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Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

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Docket Number 2483CV00692

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
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(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 8, 2026

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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T 617.429.1265 (cell)
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Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

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F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

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c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Superior Court - Plymouth
Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Superior Court - Plymouth
Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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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.

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Superior Court - Plymouth
Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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

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Superior Court - Plymouth
Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

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Docket Number 2483CV00692

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
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Arthur E. Maravelis (BBO# 564673)
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WERKSMAN JACKSON & QUINN LLP

Alan J. Jackson, *pro hac vice*
Caleb E. Mason, *pro hac vice*
Elizabeth S. Little, *pro hac vice*
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elittle@werksmanjackson.com

Dated: June 8, 2026

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**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

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11. 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.

12. "**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.

13. "**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

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(a) the identity of the person(s) who prepared the document, who signed it, and over whose name it was sent or issued;

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Docket Number 2483CV00692

(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Superior Court - Plymouth
Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

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7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

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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.

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12. "**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.

13. "**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

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(a) the identity of the person(s) who prepared the document, who signed it, and over whose name it was sent or issued;

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(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.

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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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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# EXHIBIT 2

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Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

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Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

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Docket Number 2483CV00692

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
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Arthur E. Maravelis (BBO# 564673)
Thomas M. Tang (BBO# 642578)
Sarah A. Shipley (BBO# 678753)
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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*
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cmason@werksmanjackson.com
elittle@werksmanjackson.com

Dated: June 8, 2026

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Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

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**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 8, 2026

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Superior Court - Plymouth
Docket Number 2483CV00692

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.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

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7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

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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.

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10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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

## Disclaimer

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

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Docket Number 2483CV00692

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
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Arthur E. Maravelis (BBO# 564673)
Thomas M. Tang (BBO# 642578)
Sarah A. Shipley (BBO# 678753)
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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
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(213) 688-0460
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elittle@werksmanjackson.com

Dated: June 8, 2026

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

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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.

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10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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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.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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:

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

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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
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ajackson@werksmanjackson.com
cmason@werksmanjackson.com
elittle@werksmanjackson.com

Dated: June 8, 2026

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**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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
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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
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(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 8, 2026

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

Sheehan Phinney Bass & Green
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Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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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.

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11. 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.

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13. "**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

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(a) the identity of the person(s) who prepared the document, who signed it, and over whose name it was sent or issued;

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Docket Number 2483CV00692

(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.

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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.

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## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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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.

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

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 8, 2026

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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.

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Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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## DEFINITIONS

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1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

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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.

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11. 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.

12. "**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.

13. "**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;

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(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.

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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.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

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Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

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Docket Number 2483CV00692

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
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(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 8, 2026

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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T 617.429.1265 (cell)
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Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

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F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

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c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Superior Court - Plymouth
Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Superior Court - Plymouth
Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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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.

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Superior Court - Plymouth
Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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

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Superior Court - Plymouth
Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

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Docket Number 2483CV00692

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
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Arthur E. Maravelis (BBO# 564673)
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WERKSMAN JACKSON & QUINN LLP

Alan J. Jackson, *pro hac vice*
Caleb E. Mason, *pro hac vice*
Elizabeth S. Little, *pro hac vice*
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elittle@werksmanjackson.com

Dated: June 8, 2026

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**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

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11. 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.

12. "**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.

13. "**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

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(a) the identity of the person(s) who prepared the document, who signed it, and over whose name it was sent or issued;

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Docket Number 2483CV00692

(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Superior Court - Plymouth
Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

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7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

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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.

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12. "**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.

13. "**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

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(a) the identity of the person(s) who prepared the document, who signed it, and over whose name it was sent or issued;

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(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.

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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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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# EXHIBIT 2

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Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

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Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

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Docket Number 2483CV00692

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
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Arthur E. Maravelis (BBO# 564673)
Thomas M. Tang (BBO# 642578)
Sarah A. Shipley (BBO# 678753)
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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*
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cmason@werksmanjackson.com
elittle@werksmanjackson.com

Dated: June 8, 2026

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Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

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**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 8, 2026

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Superior Court - Plymouth
Docket Number 2483CV00692

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.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

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7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

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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.

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10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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

## Disclaimer

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

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Docket Number 2483CV00692

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
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Arthur E. Maravelis (BBO# 564673)
Thomas M. Tang (BBO# 642578)
Sarah A. Shipley (BBO# 678753)
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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
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(213) 688-0460
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elittle@werksmanjackson.com

Dated: June 8, 2026

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

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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.

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10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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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.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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:

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

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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
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ajackson@werksmanjackson.com
cmason@werksmanjackson.com
elittle@werksmanjackson.com

Dated: June 8, 2026

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**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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
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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
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(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 8, 2026

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

Sheehan Phinney Bass & Green
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Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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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.

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11. 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.

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13. "**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

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(a) the identity of the person(s) who prepared the document, who signed it, and over whose name it was sent or issued;

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Docket Number 2483CV00692

(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.

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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.

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## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

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**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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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.

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

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 8, 2026

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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.

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Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

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## DEFINITIONS

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1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

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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.

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11. 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.

12. "**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.

13. "**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;

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(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.

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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.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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.

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Superior Court - Plymouth
Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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Docket Number 2483CV00692

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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.

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Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

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Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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

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Docket Number 2483CV00692

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 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**
**(Memorandum incorporated)**

Defendant Karen Read ("Read") respectfully requests that the Court compel Nicole and Brian Albert, Matthew and Jennifer McCabe, Allie McCabe, and Brian Higgins (collectively, "Delinquent Non-Parties") to produce documents and attend their depositions pursuant to validly-issued subpoenas. Specifically, the Delinquent Non-Parties refuse to produce required documents and refuse show up for deposition on required dates pursuant to the subpoenas. As a result, Read seeks a Court Order requiring the Delinquent Non-Parties each to immediately provide 3 non-overlapping dates for deposition between the date of the Court's Order to July 17

(excluding June 26-July 3), and produce all responsive documents pursuant to the subpoenas previously served within 10 days of such Order.

The Delinquent Non-Parties counsel accepted service of the subpoenas to each of them on May 5, 2026. A true and accurate copy of the correspondence regarding acceptance and the subpoenas themselves are attached as collective Exhibit 1. However, unlike Colin Albert – Brian and Nicole Albert's nephew – the Delinquent Non-Parties **did not serve objections** to the subpoenas within the ten days provided by Mass. R. Civ. P. 45(d)(1).[1] Instead, almost four weeks later, on June 1st, the Delinquent Non-Parties' counsel served purported objections – objecting to everything and producing no documents - and then indicated that **none** of the Delinquent Non-Parties were available for the dates included in their subpoenas in early June and mid-June, and that the subpoenas were merely "proposed" dates that they, apparently, reject unilaterally. True and accurate copies of the Delinquent Non-Parties' counsel's email and the attached responses and objections are attached as collective Exhibit 2.

The Delinquent Non-Parties' counsel did not provide any explanation for their unavailability, writing only, "[w]ith respect to the depositions, our clients are not available on the dates proposed in the subpoenas" and listing dates he said were available, almost all of which were on or after July 20th. Thus, nearly a month after they were served, and just nine days before the depositions were set to begin, the Delinquent Non-Parties purported to unilaterally postpone all of their depositions (except for one) for a month or more.

[1] As described in Read's pending Motion to Compel Colin to appear and produce documents, Colin (who is represented by the same counsel as the Delinquent Non-Parties) seasonably objected to the subpoena to him, but then refused to produce documents, failed to promptly provide available future dates for deposition, then, belatedly at the last moment, indicated that he would only be available for two single days the very next week when counsel was not available and not available afterwards.

The Rules do not permit non-party subpoena recipients to control the timing of their own depositions. Of course, Read's counsel was (and is) willing to accommodate reasonable scheduling conflicts and concerns, and was willing to reorder the Delinquent Non-Parties' depositions, or take them on other dates within the same time range. But that is not what the Delinquent Non-Parties have unilaterally declared. If Read is forced to wait until the limited mid-July through mid-August dates the Delinquent Non-Parties proposed, the Court's discovery period – which Read has worked diligently to comply with – will be placed in significant jeopardy. Therefore, Read requests that the Court order each of the Delinquent Non-Parties to provide 3 non-overlapping dates immediately for the next 30 days (except for June 26-July 3) for deposition.

Finally, regarding documents, the Delinquent Non-Parties have directly violated Rule 45. Their objections – if any – were due within ten days after service. They did not file any objections within that period, nor did they request an extension of that time. Rather, the time during which they had to object came and went without objection. Seventeen (17) days after the Rule 45 objection period expired, they emailed what they called "objections." These "objections", however, have no effect under the rules. Moreover, this is yet another example of unexcused delay, which the Court should not countenance at this juncture among any counsel – including the Delinquent Non-Parties' counsel who are watching every hearing in this matter. Failure to object to a subpoena within the time provided by the Rules ordinarily results in waiver of such objections, especially where there are no extenuating circumstances. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that "party that fails to

submit a privilege log is deemed to waive" claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) ("Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege."); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) ("When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived."). Therefore, Read also requests that the Court order each Delinquent Non-Party provide all documents responsive to Read's subpoenas within ten (10) days of such Order.

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Docket Number 2483CV00692

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
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(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 8, 2026

Date Filed 6/29/2026 3:48 PM
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Docket Number 2483CV00692

**CERTIFICATE OF SERVICE**

I certify that I served a copy of this document on all counsel of record by email on June 8, 2026.

*/s/ Charles M. Waters*
Charles M. Waters

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Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 1

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## Aaron D. Rosenberg

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, May 5, 2026 2:45 PM
**To:** Charles M. Waters
**Cc:** Aaron D. Rosenberg; Damon M. Seligson; Tuxbury, James L.; Christopher Mattei
**Subject:** RE:

Thanks, Chas. Received.

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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T 617.429.1265 (cell)
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Docket Number 2483CV00692

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 DUCES TECUM**

To: Jennifer McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 27, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Matthew McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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(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.

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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.

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# SCHEDULE A

Jennifer McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

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F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

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c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Matthew McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Allison McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 10, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

AMY L. KELLEHER
MY COMMISSION EXPIRES
MAR 6 2031
COMMONWEALTH OF MASSACHUSETTS
NOTARY PUBLIC

Notary Public
My Commission Expires: 3/6/2031

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Julie Albert**," "**Brian Higgins**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Kerry Roberts,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

## SCHEDULE A

Allison McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Courtney Elburg;
d. Kerry Roberts;
e. Brian Higgins;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.; and/or
l. Yuriy Bukhenik.

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Superior Court - Plymouth
Docket Number 2483CV00692

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,<br><br>Plaintiffs,<br>v.<br><br>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,<br><br>Defendants. | Civil Action No. 2483cv00692 |

**SUBPOENA DUCES TECUM**

To: Brian Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 24, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Superior Court - Plymouth
Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Brian Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

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 DUCES TECUM**

To: Brian Higgins
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 18, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Nicole Albert**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

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11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## SCHEDULE A

Brian Higgins is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Nicole Albert;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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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 DUCES TECUM**

To: Matthew McCabe
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 26, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Nicole Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Chris Albert**," "**Brian Higgins**," "**Brian Albert**," "**Jennifer McCabe**," "**Courtney Elburg,**" "**Allie McCabe,**" "**Brian Albert, Jr.,**" "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

8. "**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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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Docket Number 2483CV00692

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.

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Docket Number 2483CV00692

# SCHEDULE A

Matthew McCabe is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Nicole Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Chris Albert;
g. Brian Higgins;
h. Brian Albert;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

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Docket Number 2483CV00692

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 DUCES TECUM**

To: Nicole Albert
c/o James L. Tuxbury, Esq.
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109

**GREETINGS, YOU HEREBY ARE COMMANDED**, in the name of the Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**June 22, 2026, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of the deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

**FURTHERMORE,** you are required to produce the documents listed in the Schedule A attached hereto by June 1, 2026 at 12:00 p.m.

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

## DEFINITIONS

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

1. "**Karen Read**" means Defendant Karen Read, her agents, attorneys, and other representatives.

2. "**John O'Keefe**" means John J. O'Keefe III, his agents, attorneys, and other representatives.

3. "**Michael Proctor**" means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.

4. "**Chris Albert**," "**Kerry Roberts**," "**Julie Albert**," "**Brian Albert**," "**Brian Higgins**," "**Matthew McCabe**," "**Jennifer McCabe**," "**Courtney Elburg**," "**Allie McCabe**," "**Brian Albert, Jr.**," "**Paul O'Keefe**," "**Kevin Albert**," and "**Colin Albert**" means these individuals and their agents, attorneys, and other representatives.

5. "**Investigation**" means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.

6. "**Criminal Trials**" means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.

7. "**Civil Actions**" means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.

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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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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;

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Docket Number 2483CV00692

(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.

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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.

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Superior Court - Plymouth
Docket Number 2483CV00692

## SCHEDULE A

Nicole Albert is required to produce by June 1, 2026 at 12:00 p.m. the following documents:

A. All documents, including communications, relating to Karen Read;

B. All documents, including communications, relating to John O'Keefe;

C. All documents, including communications, relating to Michael Proctor;

D. All documents, including communications, relating to the Investigation;

E. All documents, including communications, relating to the Criminal Trials;

F. All documents, including communications, relating to the Civil Actions;

G. All communications with Michael Proctor;

H. All communications with John O'Keefe;

I. All communications with Paul O'Keefe;

J. All communications from January 28, 2022 to the present with:

a. Chris Albert;
b. Julie Albert;
c. Kerry Roberts;
d. Courtney Elburg;
e. Allison McCabe;
f. Brian Albert;
g. Brian Higgins;
h. Matthew McCabe;
i. Jennifer McCabe;
j. Colin Albert;
k. Brian Albert, Jr.;
l. Brian Tully; and/or
m. Yuriy Bukhenik.

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

# EXHIBIT 2

Date Filed 6/29/2026 3:48 PM
Superior Court - Plymouth
Docket Number 2483CV00692

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Tuesday, June 2, 2026 9:20 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Chas—

These subpoenas were mirror images of the one Ms. Read previously served on Colin Albert, about which we've already had a meet and confer, so you've had our position on their vagueness and overbreadth for quite some time. We've relayed on multiple occasions that we are unwilling to produce over four years of communications among family members and others in response to non-party subpoenas that do not make any good faith effort to tailor the requests by topic or scope. The outcome of your pending motion to compel compliance with Colin Albert's subpoena will undoubtedly influence these identical subpoenas, and we will modify our responses and objections accordingly (and to the extent necessary) following the Court's ruling on that motion.

With respect to the depositions, our clients are not available on the dates proposed in the subpoenas. Their availability to sit for depositions in the wrongful death action is as follows:

- Brian Albert: July 20-31
- Nicole Albert: July 20-31
- Jennifer McCabe: July 23-24, July 27-30, August 4-7, August 10-14
- Matthew McCabe: July 27-29, August 4-6
- Allie McCabe: June 22, July 20
- Brian Higgins: July 29-30

Please let us know which of these dates also work for the parties in the wrongful death action and we will confirm the depositions with each of our clients promptly.

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

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**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, June 2, 2026 10:59 AM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

**EXTERNAL EMAIL**

---

Mass. R. Civ. P. 45 requires objections to subpoenas within 10 days after service. Here, that deadline passed on May 15th without objection. Therefore, the attachments to your email below are not effective objections.

Please produce all responsive documents immediately pursuant to the properly issued and served subpoenas that require production of responsive documents by June 1st so that I have them in time for the depositions.

Chas.

---

**From:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>
**Sent:** Monday, June 1, 2026 4:31 PM
**To:** Charles M. Waters <cwaters@sheehan.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>; dbuck@dillerlaw.com; Marc Diller <mdiller@dillerlaw.com>; bibi@fellfirm.com; marlee@fellfirm.com; ambeaton@peabodyarnold.com; tsmith@peabodyarnold.com; lrose@peabodyarnold.com; jdealy@hassettdonnelly.com; dhassett@hassettdonnelly.com; jdonovan@sloanewalsh.com; mbell@tangmaravelis.com; amaravelis@tangmaravelis.com; sshipley@tangmaravelis.com; ttang@tangmaravelis.com; cmason@werksmanjackson.com
**Subject:** RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - May 5 Subpoena Responses

Hi Chas—

Attached please find responses and objections to the May 5 subpoenas that were served on non-parties Brian Albert, Nicole Albert, Jennifer McCabe, Matthew McCabe, Allie McCabe, and Brian Higgins in the above-referenced matter. Copying in all counsel of record for transparency.

Also, please note, "Allie" McCabe is not short for "Allison."

Regards,
Kieran

**Kieran T. Murphy**
*Associate*

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

---

**From:** Charles M. Waters <cwaters@sheehan.com>
**Sent:** Tuesday, May 5, 2026 2:15 PM
**To:** Murphy, Kieran T. <KMurphy@hinckleyallen.com>; Tuxbury, James L. <jtuxbury@hinckleyallen.com>; Christopher Mattei <cmattei@koskoff.com>
**Cc:** Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>
**Subject:**

**EXTERNAL EMAIL**

Per your agreement to accept service on behalf of the above-referenced individuals, kindly see attached subpoenas.

Best,
Chas.

Charles M. Waters
*Shareholder*

SHEEHAN PHINNEY

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

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## Disclaimer

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