

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS

SUPERIOR COURT DEPARTMENT

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

Plaintiffs,

v.

C&C HOSPITALITY, LLC d/b/a C.F.
MCCARTHY'S, G&S HOSPITALITY,
LLC d/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 THE MASSACHUSETTS
STATE POLICE TO PRODUCE DOCUMENTS PURSUANT
TO NON-PARTY SUBPOENA**

Defendant Karen Read ("Read") respectfully requests that the Court compel the Massachusetts State Police ("MSP") to produce two categories of documents it has withheld: (1) communications between MSP and the Norfolk District Attorney's Office (the "NDAO"), and (2) specific types of communications MSP unilaterally deemed wholesale irrelevant.

In July 2025, Read served a subpoena on MSP seeking documents and communications related to the criminal investigation into the death of John O'Keefe III ("Mr. O'Keefe"), including, among other things, documents concerning Read, communications with witnesses and investigators, and documents concerning the disciplinary proceedings of lead investigators

Michael Proctor and Yuriy Bukhenik. Since that time, Read’s counsel has been actively communicating with MSP and its counsel urging them to identify and produce documents responsive to the subpoena. MSP never objected to Read’s subpoena and gave no indication that it would later refuse to produce responsive documents. However, when MSP finally did produce responsive emails in February 2026, it unilaterally withheld 473 messages, asserting—for the first time—that it would not produce them because it concluded that another unrelated entity—**the NDAO**—had previously determined, in response to a **different** subpoena, that those emails were protected work product. To this day, the MSP still has not itself asserted any objections to the subpoena, explained how those emails constitute work product, or provided a privilege log or a description of the purportedly protected emails sufficient to determine whether they are, in fact, protected.

But, even assuming these documents are all related to the investigation into Mr. O’Keefe’s death and Read’s prosecution, and were created for the purpose of such prosecution, they still must be produced. That prosecution ended nearly a year ago when Read was acquitted for all crimes relating to Mr. O’Keefe’s death, and the work product doctrine does not apply indefinitely after the underlying litigation terminates. That doctrine is also not absolute, and yields when a party demonstrates a substantial need for the documents, which Read has in this case. Indeed, she is defending against the exact same disproven theory the Commonwealth employed against her, as well as claims that her “false narrative” relating to Mr. O’Keefe’s death—centered around the police investigation itself—caused emotional distress to the Plaintiffs.

The MSP has also refused to produce several other broad categories of responsive documents. In March 2026, months after the parties had agreed on specific search terms to

identify such documents, MSP's counsel explained that MSP had withheld a large number of documents identified using the agreed-upon search terms on the basis that they were somehow not responsive to Read's subpoena. However, these documents include (1) relevant case summaries published by the Massachusetts State Police Crime Lab, (2) communications concerning public records requests and media inquiries, (3) emails from news outlets, and (4) documents related to jury escorts during Read's criminal trials. **MSP's counsel has acknowledged that many of these documents relate to or contain references to the death of Mr. O'Keefe and Read's criminal prosecution.** But despite their responsiveness and relevance to the issues in this case, MSP will not agree to produce them. Although MSP's counsel directed Read's counsel to continue conferring on this topic, MSP has not substantively responded to attempts to do so in more than three weeks, despite repeated follow up.

For these reasons as further detailed below, the Court should order MSP to produce the documents and communications it has withheld pursuant to the work product doctrine and the categories of documents it claims are non-responsive. In further support of this Motion, Read relies on her Memorandum of Law, filed herewith.

WHEREFORE, Defendant Karen Read respectfully requests that the Court order MSP to produce all documents MSP withheld pursuant to the work product doctrine and the documents that fall within the four categories identified above, within ten (10) days of such order.

Respectfully submitted,

KAREN READ,

By her attorneys,

/s/ Aaron D. Rosenberg

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

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

Dated: May 1, 2026

CERTIFICATION PURSUANT TO SUPERIOR COURT RULE 9C

I certify that I conferred with counsel to the Massachusetts State Police in a good faith effort to resolve the issues that are the subject of this Motion prior to filing it. I conferred extensively by email with counsel, as demonstrated in Exhibit 2 to Read's Memorandum of Law in Support of this Motion. I also conferred with counsel by telephone on March 18, 2026 at approximately 2:00 PM. I participated in that call for Read and Jeffrey Collins participated for the Massachusetts State Police.

/s/ Aaron D. Rosenberg

Aaron D. Rosenberg

CERTIFICATE OF SERVICE

I certify that I served a copy of this document on all counsel of record by email on May 1, 2026.

/s/ Aaron D. Rosenberg

Aaron D. Rosenberg