

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss.

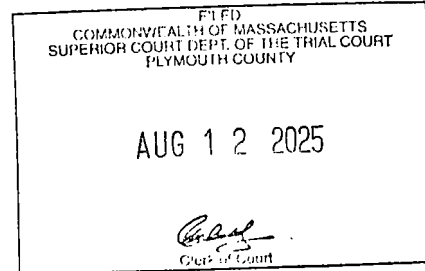
SUPERIOR COURT DEPARTMENT
C.A. No.: 2483CV00692

PAUL O'KEEFE, AS PERSONAL REPRESENTATIVE
OF THE ESTATE OF JOHN JOSEPH O'KEEFE III;
PAUL O'KEEFE, INDIVIDUALLY; JOHN O'KEEFE II;
MARGARET O'KEEFE; and MARGARET O'KEEFE AS
GRANDPARENT/ GUARDIAN OF KAYLEY FURBUSH;

Plaintiffs,

v.

C&C HOSPITALITY, LLC d/b/a C.F. MCCARTHY'S;
G&S HOSPITALITY, LLC d/b/a C.F. MCCARTHY'S;
WATERFALL BAR & GRILL, LTD d/b/a
WATERFALL BAR & GRILL; and KAREN READ;
Defendants.



DEFENDANT WATERFALL BAR & GRILL, LTD d/b/a
WATERFALL BAR & GRILL'S RESPONSE TO
KAREN READ'S MOTION TO DISMISS PLAINTIFFS' COMPLAINT

NOW COMES the defendant, Waterfall Bar & Grill, Ltd d/b/a Waterfall Bar & Grill ("Waterfall") and respectfully joins defendant, Karen Read's Motion to Dismiss. As grounds therefor, Waterfall adopts the arguments outlined in Ms. Read's motion and accompanying memorandum of law. Insofar as this Court is inclined to grant Ms. Read's motion, Waterfall requests that this Court also dismiss Counts VII, VIII, and IX against it pursuant to Mass. R. Civ. P. 12(c). *See, e.g., Jarosz v. Palmer*, 436 Mass. 526, 529 (2002) ("A defendant's rule 12(c) motion is actually a motion to dismiss . . . that argues that the complaint fails to state a claim upon which relief can be granted." (internal quotations omitted)).

WHEREFORE, the defendant, Waterfall Bar & Grill, Ltd d/b/a Waterfall Bar & Grill respectfully requests that this Court dismiss Counts VII, VIII, and IX of Plaintiffs' Complaint.

Respectfully Submitted,

Defendant, Waterfall Bar & Grill, LTD d/b/a
Waterfall Bar & Grill
By its Attorneys,

/s/ David F. Hassett

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Dated: July 25, 2025

CERTIFICATE OF SERVICE

I, David F. Hassett, counsel of record for the Defendant, Waterfall Bar & Grill, LTD d/b/a Waterfall Bar & Grill, in this action, hereby certify that a true copy of the foregoing document was served via electronic and first-class mail, postage pre-paid, this 25th day of July, 2025 to the following counsel of record:

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