

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss

SUPERIOR COURT
 DOCKET 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

**TOWN OF CANTON'S OPPOSITION TO DEFENDANT KAREN READ'S MOTION
 TO COMPEL THE TOWN OF CANTON TO PRODUCE DOCUMENTS PURSUANT
 TO NON-PARTY SUBPOENA**

Now comes the Town of Canton (hereafter "Town") and hereby opposes Defendant Karen Read's (hereafter "Defendant") Motion to Compel the Town to Produce Documents Pursuant to a Non-Party Subpoena. As relayed in the Town's initial objection to the Defendant's Subpoena, the Defendant's Subpoena is overly broad, not reasonably limited in time or scope, is not reasonably tailored to produce discoverable information, seeks records and information that are wholly irrelevant to the underlying claim, is unduly burdensome, and seeks materials and documents

protected by attorney-client privilege and/or the attorney work product doctrine. In further support thereof, the Town asserts the following:

I. Factual Background

As acknowledged in the Defendant's Motion, the Defendant previously issued a subpoena to the Town, and numerous other non-party entities, in July of 2025. The Town produced numerous records in response that extensive request. Months later, however, in late November 2025, the Defendant began contacting the Town and Town counsel seeking new records related to Sgt. Sean Goode (hereafter "Sgt. Goode") being placed on administrative leave by the Town. The Town placed Sgt. Goode on paid administrative leave in late October of 2025 and coordinated with Town Counsel to retain an independent third-party investigator to conduct an internal affairs investigation on behalf of the Town.

On or about December 5, 2025, Town counsel and Defendant's counsel spoke via telephone regarding the administrative leave and pending investigation. Town counsel advised Defendant's counsel that the only document which Town counsel was aware that would be responsive to Defendant's counsel's request was a letter placing Sgt. Goode on administrative leave. On or about December 12, 2026, Town counsel produced to Defendant's counsel a copy of the Notice of Placement on Paid Administrative leave letter issued to Sgt. Goode. Immediately after the letter was produced to the Defendant, however, copies of the letter were posted online. Defendant's counsel then proceeded to send a barrage of emails to Town Counsel demanding attestations and declarations of what other documents may or may not exist. As was relayed to the Defendant's counsel at the onset, the investigation regarding Sgt. Goode has been ongoing, and while the Town is not directly conducting the internal affairs investigation, records are generated and produced as the investigation develops. The Defendant's assertion that Town relayed that it did not possess

responsive records “but now, months later the Town acknowledges it does in fact have documents” is deliberately misleading and offensive. The Town and its counsel operated in good faith to produce the limited responsive records it had in its possession, custody and control to the Defendant. However, as the investigation developed, the concerning timing of Sgt. Goode’s administrative leave letter appearing online and Defendant’s counsel’s improper attestation demands necessitated more formal objections to the Defendant’s request for investigation materials.

Consequently, Town counsel engaged in several discussions and email communications with Defendant’s counsel in which the Town expressly objected to the Defendant’s attempt to expand its July 2025 subpoena and asserted that the newly sought materials were not responsive to that subpoena. Defendant’s counsel agreed with the Town’s position and issued a new subpoena to the Town on February 10, 2026. Prior to the issuance of that new subpoena, Counsel for the Town and Defendant engaged in discussion to narrow the scope of the requested materials so to not hinder or impact the ongoing Sgt. Goode internal affairs investigation. In a flagrant contravention to those discussions, however, the Defendant’s February 10, 2026, subpoena sought exceedingly broad records, namely:

1. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, concerning any disciplinary investigation of Sgt. Sean Goode.
2. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, concerning any report about, complaint concerning, or alleged misconduct committed by Sgt. Sean Goode.
3. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages concerning the CPD's and Town's investigation of alleged misconduct committed by Sgt. Sean Goode, which began in or around the fall of 2025.

4. Documents sufficient to identify the third party or third parties who are conducting the investigation of alleged misconduct committed by Sgt. Sean Goode, which began in or around the fall of 2025.
5. All communications between Sgt. Sean Goode on one hand and Michael Proctor, Kevin Albert, Brian Albert, Nicole Albert, Chris Albert, Julie Albert, Colin Albert, Brian Higgins, Jennifer McCabe, Matthew McCabe, Allison McCabe, or Kerry Roberts on the other, from January 28, 2022 to the present.

The Town issued objection to the Defendant's overly broad and improper subpoena on February 10, 2025. More than a month later, the Defendant served Town Counsel with the instant Motion.

II. Argument

A. The Defendant's Subpoena is Impermissibly Broad and Seeks Irrelevant Materials

The Defendant's motion suggests that it is simply seeking records regarding the current internal affairs investigation regarding Sgt. Goode. As detailed above, however, the actual Subpoena in no way limits itself exclusively to the current investigation and seeks records for all documents concerning "any disciplinary investigation of Sgt. Sean Goode." As well, it seeks all communications surrounding any report or alleged misconduct of Sgt. Goode and communications between Sgt. Goode and more than half a dozen non-Town employees for more than four (4) years. Such requests are exceedingly broad and unduly burdensome upon the Town and seem directly tailored to try to obtain attorney-client communications and/or attorney work product materials regarding the current investigation. The Defendant's motion makes no attempt nor sufficiently establishes the need for such miscellaneous records not related to the current Sgt. Goode investigation or the Town's internal communications and documents regarding appointing an independent investigator.

Even if, arguendo, the Defendant's Subpoena was limited to only materials regarding the ongoing internal affairs investigation regarding Sgt. Goode, the Town fails to see how any such records are even remotely relevant to the allegations and defenses in the instant action. The Defendant's Motion fails to articulate any relevancy whatsoever. It simply insists that Sgt. Goode was one of the initial responding officers to Mr. O'Keefe's tragic death on January 29, 2022, that Sgt. Goode and Michael Proctor are "close long-time buddies," and merely concludes somehow the "documents related to the Town's investigation into Goode are relevant to the claims and defenses in this action and discoverable." However, the current investigation, which did not even begin until nearly four (4) years after Mr. O'Keefe's death, does not involve any allegations remotely related to Mr. O'Keefe's death, the Defendant, and/or Sgt. Goode's involvement with the investigation surrounding Mr. O'Keefe's death. Any records in Town's possession regarding the current investigation are irrelevant to the instant action and the Defendant fails to articulate any relevancy or need for such records.

B. The Defendant's Subpoena Would Negatively Impact an Ongoing Investigation and Seeks Records that are obtainable through other Means and/or Already in the Defendant's Possession.

The internal affairs investigation regarding Sgt. Goode is still ongoing and has not yet concluded. The Defendant's subpoena seeks all documents in the Town's possession regarding the investigation and internal communication records, amongst other irrelevant materials, the disclosure of which could have serious ramifications and impacts upon the investigation. If investigation materials and internal communications were disseminated to potential witnesses or Sgt. Goode himself, it could prejudice or otherwise complicate pending interview(s). This concern is particularly apparent as records already produced to the Defendant were then immediately posted online on various social media accounts. At the close of the investigation, the Town

anticipates having an Investigatory Report and/or summary regarding the Investigator's findings and conclusions. As is asserted by the Defendant, barring any statutory exemptions, that report would generally be considered a public record and readily accessible to the Defendant via a public records request. The Defendant has not articulated any grounds for the immediate necessity of these records or why the Defendant receive investigation records prior to the conclusion of the investigation or the drafting of any investigatory report/summary. In lieu of a compelled subpoena, the Defendant can simply send a public records request upon the conclusion of the investigation.

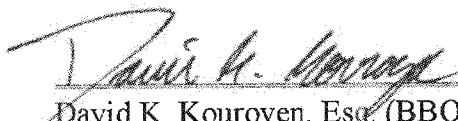
It also appears that the majority of the information sought by the Defendant has *already been obtained* by the Defendant. The basis of the pending investigation involves text communications involving multiple individuals, including Sgt. Goode. Those text communications are at the heart of several other pending matters and are subject to protective order. The Defendant's motion appears to assert that the Defendant has already obtained these text communications as "newly received documents from the Norfolk District Attorney's Office." Thus, the Town's investigation into these text communications seems irrelevant and immaterial if the Defendant already has access to and possession of those documents.

III. Conclusion

This is not the first subpoena the Defendant has issued to the Town in this instant action. The Town, through its counsel, has engaged in continuous good faith discussions with the Defendant's counsel to avoid motion practice and discovery disputes for a claim in which the Town is not a party. The Defendant's barrage of demands for irrelevant Town records during the pendency of an internal investigation started years after the death of John O'Keefe, however, has necessitated the Town's objections. The Defendant's February 10, 2026, subpoena and repeated demands for pending investigation materials are improper, seek irrelevant records and was issued in bad faith

due to the Defendant already having possession of the underlying text communications. The Town already responded to the extremely extensive subpoena issued by the Defendant in July of 2025 and there has to be some logical and appropriate restrictions upon the Defendant's continual demands for records from the Town. The Town maintains that disseminating internal affairs investigation materials at this time is improper and harmful to the pending investigation. The Defendant's subpoena is overly broad and is moot given the records already obtained by the Defendant by third parties. The Court, therefore, must DENY the Defendant's Motion to compel, or the very least, significantly narrow and limit its scope and order that any such responsive records be issued under a seal and/or protective order.

Respectfully submitted,
On behalf of the Town of Canton



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Dated: April 2, 2026

CERTIFICATE OF SERVICE

I, David K. Kouroyen, counsel for the Town of Canton, do hereby certify that on this 2nd day of April 2026, that I caused a true and accurate copy of the above Opposition to Defendant Karen Read's Motion to Compel the Town to Produce Documents Pursuant to a Non-Party Subpoena be served upon the Defendant's counsel of record by forwarding copies of same, via email, to his attention at the following address:

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David K. Kouroyen, Esq.

Dated: April 2, 2026