

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS

SUPERIOR COURT DEPARTMENT

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

Plaintiffs,

v.

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

Defendants.

Civil Action No. 2483cv00692

**SUR-REPLY IN OPPOSITION TO PLAINTIFFS' EMERGENCY MOTION
FOR TEMPORARY RESTRAINING ORDER AND REQUEST
FOR SANCTIONS IN RESPONSE TO PLAINTIFFS'
COUNSEL'S FALSE SUBMISSIONS**

Defendant Karen Read ("Read") provides this further Sur-Reply in Opposition to Plaintiffs' Emergency Motion for Temporary Restraining Order (the "Emergency Motion") and respectfully requests that the Court enter sanctions against Plaintiffs' counsel's based on their serious fabrication of evidence to the Court, which Read recently discovered after filing her Opposition to Plaintiffs' Emergency Motion. In their Emergency Motion and their Reply in support of that Emergency Motion, Plaintiffs baldly asserted that Ms. Read made certain statements to a third party, Aidan Kearney, specifically including the phrase, "I'm dead. I'm fucking dead." Indeed, Plaintiff's counsel began the Emergency Motion by highlighting and

italicizing that “quote” for maximum emphasis and impact. But that was a lie—**Ms. Read never said that.**

When the Court receives the link to Plaintiffs’ exhibits, which it requested in its March 2nd Order, it can hear for itself. Ms. Read has in the past expressed her anger and frustration with Mr. Kearney regarding the fact that he had caused her to be entangled with certain members of the Massachusetts State Police, including Lt. Brian Tully, an MSP trooper who was removed from his post in the detective bureau following disciplinary findings associated with his conduct on Ms. Read’s case. In the illegal recording (which Plaintiffs’ counsel troublingly attempted to leverage to his advantage) Ms. Read merely emphasized her frustration that Mr. Kearney placed her in such a position “Again. A-fucking-gain.” The recording is so unambiguous that counsel’s characterization of it simply cannot be reconciled with it. Either the recording was never reviewed, or worse, the Court has been presented with a version that was known to be false.

As opposed to the false quote Plaintiffs attributed to Ms. Read, these statements do not suggest anything about her willingness or tendency to respect discovery rules. Because Your Honor referred to this statement in today’s Order, we felt the need to explain this fact now, prior to Friday’s hearing.

Further, counsel’s conduct raises profound concerns about both candor and compliance with Massachusetts law. In addition to falsifying the content of this recording, Plaintiffs’ counsel’s use of, and reliance upon, the illegal recording is a violation of M.G.L. c. 272, § 99(C)(3), which states:

[A]ny person who . . . willfully uses or attempts to use the contents of any wire or oral communication, knowing that the information was obtained through interception, shall be guilty of a misdemeanor punishable by imprisonment in a jail or a house of correction for not more than two years or by a fine of not more than five thousand dollars or both.

Plaintiffs' motion papers themselves refer to the fact that the false "quote" was taken from "audio from a phone call between Kearney and Read [that] was leaked." Mot., p. 6. That recording, and Plaintiffs' counsel's use of it, fits squarely within Section 99(C)(3). Therefore, it is unlawful for Plaintiffs to use it in this manner.

The Court should deny Plaintiffs' Emergency Motion, which heavily relied on the statement Ms. Read never made. Read also respectfully requests that the Court enter sanctions against Plaintiffs in the form of an order requiring Plaintiffs to pay Read's legal fees incurred in connection with the Emergency Motion, and in whatever other form the Court deems appropriate.

Respectfully submitted,

KAREN READ,

By her attorneys,

/s/ Damon M. Seligson

Damon M. Seligson (BBO# 632763)
Charles M. Waters (BBO# 631425)
Aaron D. Rosenberg (BBO# 684826)
Sheehan 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

Dated: March 3, 2026

CERTIFICATE OF SERVICE

I certify that I served a copy of this document on all counsel of record by email on March 3, 2026.

/s/ Damon M. Seligson

Damon M. Seligson