

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss.

SUPERIOR COURT
 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 KAREN READ'S REPLY
 TO PLAINTIFFS' OPPOSITION TO HER MOTION
 TO DISMISS COUNTS X, XI, XII AND XIII OF THE
PLAINTIFFS' COMPLAINT PURSUANT TO M.R.C.P. 12(b)(6)**

Defendant, Karen Read ("Read"), hereby submits this Reply to certain of the arguments set forth in the Plaintiffs' Opposition to her Motion to Dismiss Counts X, XI, XII, and XIII of the Plaintiffs' Complaint pursuant to Mass. R. Civ. P. 12(b)(6).

Read's decision to address only some of the arguments set forth in the Plaintiffs' Opposition should not be deemed as acquiescence in or acceptance of those arguments that are not responded to herein. Instead, Read relies on her initial moving papers on such topics.

First, the Plaintiffs' opening salvo – that Read intentionally styled her partial motion to dismiss as a 'motion to dismiss the entire Complaint' for media attention – is not in any way supported by the record. Nor does such contention add anything of substance to Plaintiffs' arguments. The irony is not lost on Read here, where Plaintiffs contend that her pleadings are presented strictly for sensationalism. (See Exhibit A, ¶53).

Second, the contention that Read “calculatedly and maliciously fabricated a conspiracy and launched a public campaign of disinformation designed to obfuscate the truth and to deprive the O’Keefe family of justice for [the Decedent, John O’Keefe] . . .” is not supported by any factual averments. In their Opposition, Plaintiffs attached an affidavit in support of a search warrant authored by a state trooper, acknowledging that Read was not indicted for any crimes pertaining to the warrant. See Plaintiff's Opp'n to Mot. to Dismiss, 17 n.7. The document should be disregarded because it was not an exhibit to the complaint, does not pertain to Plaintiffs' emotional distress claims, and does not reference any Plaintiff within. See *Polay v. McMahon*, 468 Mass. 379, 381 n.3 (2014); *Schaer v. Brandeis Univ.*, 432 Mass. 474, 476-77 (2000)(noting the complaint could have been dismissed for a “failure to state “a short and plain statement of the claim”” pursuant to Mass.R.Civ.P. 8(a)(1)).

Also in their Opposition, Plaintiffs argue they should first be entitled to conduct discovery to develop necessary facts before their emotional distress claims are dismissed. This runs contrary to Mass.R.Civ.P. 8. For the purposes of this Motion, the Court should consider what has been averred within the four corners of the Plaintiffs' Complaint and determine whether it contains sufficient facts to give rise to the claims plead therein. Here, the Complaint failed to aver necessary facts beyond conclusory allegations of emotional distress claims. If the Plaintiffs wish to

investigate potential emotional distress claims, then pursuant to Mass.R.Civ.P. 15, they may subsequently amend their complaint if they are one day able to develop the supposed ‘facts.’

Third, contrary to the Plaintiffs’ mischaracterizations, at no point has Read or her counsel sought to disrupt or obstruct the Plaintiffs’ abilities to engage in discovery. In fact, Plaintiffs have largely avoided taking any discovery other than efforts intended to affect Read’s defense at her second criminal trial. On August 26, 2024, Plaintiffs filed their lawsuit against Read and two co-defendants. On October 1, 2024, before serving a request for written discovery on any defendant, Plaintiffs noticed Read’s audio-visual deposition to occur on December 4, 2024, notwithstanding the fact that she awaited the start of a second criminal trial stemming from the death of John O’Keefe. In light of her right to be free from self-incrimination, as guaranteed by the United States Constitution, Read appropriately moved for a protective order to stay any and all discovery of her until after the conclusion of her second criminal trial. That motion was properly granted by this Court on October 31, 2024.

Read’s parents, William and Janet Read, as well as her sister in-law, Kaitlin Boudreau, were hurriedly subpoenaed on January 29, 2025 and March 8, 2025 for their respective audio-visual depositions to occur on the eve of Read’s second criminal trial. As of March 8, Plaintiffs had not served any written discovery on the co-defendants or sought to take fact witness depositions of anyone other than Read’s immediate family. William and Janet Read and Kaitlyn Boudreau, through counsel, appropriately requested a stay of their depositions until after their daughter/sister in-law’s second criminal trial concluded, which was granted by this Court on April 8, 2025.

On June 20, 2025, the second trial ended with Read being found not guilty of any act that involved the death of the Decedent, John O’Keefe. With the stay then lifted, on July 9, 2025,

Read served her Motion to Dismiss Counts X, XI, XII, and XIII of the Plaintiffs' Complaint. On July 24, 2025, Plaintiffs served a Request for Documents on Read. This was the first request for discovery served on Read since the stay lifted. Read will respond to this and all discovery obligations in a timely manner consistent with the Rules of Civil Procedure. But, any allegation that Read has acted in a manner to deprive Plaintiffs from engaging in discovery is unfounded. To date, Plaintiffs made a strategic decision not to pursue discovery. Moreover, the Plaintiffs have not been prejudiced by their own inaction, particularly where the discovery deadline expires in August 2026.

WHEREFORE, the Defendant, Karen Read, respectfully requests this Court Allow her Motion to Dismiss Counts X, XI, XII and XIII of the Plaintiffs' Complaint.

Respectfully submitted,

The Defendant,
Karen Read,
By her attorneys,

/s/ William L. Keville, Jr.

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Dated: August 12, 2025

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Dated: August 12, 2025

CERTIFICATE OF SERVICE

I, William L. Keville, Jr., hereby certify that on this day, I forwarded notice of the foregoing document(s) by electronically mailing a copy thereof, to the following:

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