

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

**OPPOSITION TO PLAINTIFFS' MOTION TO COMPEL RESPONSES TO
PLAINTIFFS' SUPPLEMENTAL REQUESTS FOR DOCUMENT PRODUCTION**

Plaintiffs seek an order compelling Defendant Karen Read ("Read") to serve written Rule 34 responses she has **already served** and to produce documents pursuant to those responses, which she is **already in the process of doing**. This Motion is yet another attempt by Plaintiffs to flout the Superior Court Rules and use the Court's docket to generate dispute and attention, rather than working cooperatively in discovery. The Court should deny Plaintiffs' Motion.

On May 7, 2026, without first conferring with Read's counsel in any manner, Plaintiffs served their Motion to Compel Responses to Plaintiffs' Supplemental Requests for Document Production (the "Motion"). That Motion relates to the Supplemental Requests Plaintiffs served on March 5, 2026 – nineteen months after they filed suit. Read's counsel inadvertently missed

the service email on that date and did not respond to the requests. Rather than contacting Read's counsel and asking about the responses or documents, Plaintiffs' counsel waited a full additional month after the applicable deadline and served the Motion, without comment, 37 minutes before the Court's last status conference, in an obvious attempt to use that Motion during that proceeding without giving Read time to respond.

Less than two hours later, after the status conference, Read's counsel responded by email, acknowledged that the responses were due, promised to provide them, and indicated Read expected the Motion to then be withdrawn. *See* emails between counsel, attached as Exhibit 1 (May 7, 2026, 4:12pm email). A few days later, Plaintiffs asked to meet and confer, claiming that the "late discovery" would somehow impact how they "proceed with depositions in this case." *Id.* (May 11, 2026, 3:36pm email). Plaintiffs thus attempted to use the delay – which they contributed to by not following up on their requests or seeking to confer pursuant to Rule 9C prior to drafting or serving their Motion – as grounds for a future argument to alter the Court's discovery deadline.

On May 18, 2026, Read served the written responses the Motion seeks. On May 21st, Read's counsel followed up, confirmed that those responses had been served, and indicated that Read is in the process of producing documents as indicated in those responses, as well as the documents from Read's cell phone extraction from the NDAO.¹ Read's counsel asked Plaintiffs' counsel, again, to confirm that Plaintiffs would withdraw the Motion, which seeks responses that have already been served and documents that are already being produced. Plaintiffs' counsel did not respond.

¹ The NDAO review has been significantly delayed by the NDAO's producing that extraction to all parties in a location other than it had initially indicated.

The Court should deny the Motion and reject Plaintiffs' latest elevation of gamesmanship over cooperation and the requirements of the Court's Rules.

Respectfully submitted,

KAREN READ,

By her attorneys,

/s/ Aaron D. Rosenberg

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Charles M. Waters (BBO# 631425)
Aaron D. Rosenberg (BBO# 684826)
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Dated: May 26, 2026

CERTIFICATE OF SERVICE

I certify that I served a copy of this document on all counsel of record by email on May 26, 2026.

/s/ Aaron D. Rosenberg

Aaron D. Rosenberg

EXHIBIT 1

From: [Aaron D. Rosenberg](#)
To: [Marc Diller](#); [Christina Brilhante](#)
Cc: [Daniel Buck](#); [Tamara Smith Holtslag](#); [Alexandra M. Beaton](#); [Lincoln A. Rose](#); [John Dealy](#); [David Hassett](#); [Damon M. Seligson](#); [Charles M. Waters](#); [Alan Jackson](#); [Michael Bell](#); [Thomas Tang](#); [Art Maravelis](#); [Sarah Shipley](#)
Subject: Re: Motion to Compel Responses to Pltfs Supplemental RPDs
Date: Thursday, May 21, 2026 5:03:38 PM
Attachments: [image001.png](#)
[image003.png](#)
[image006.png](#)

Marc,

We've now served written responses to your second set of document requests, which is the relief you seek in your Motion. We are also working on producing documents as indicated in those written responses, as well as the documents from Ms. Read's phone extraction from the NDAO. We are happy to provide a further updated estimate next week for the production of any remaining documents.

Please confirm that you will withdraw your currently pending Motion, now that the mistaken lack of response has been promptly remedied.

Thanks,

Aaron

Aaron D. Rosenberg
Sheehan Phinney Bass & Green, PA
(617) 897-5664
arosenberg@sheehan.com

From: Aaron D. Rosenberg <arosenberg@sheehan.com>
Sent: Wednesday, May 13, 2026 11:37 AM
To: Marc Diller <MDiller@dillerlaw.com>; Christina Brilhante <CBrilhante@dillerlaw.com>
Cc: Daniel Buck <DBuck@dillerlaw.com>; Tamara Smith Holtslag <tsmith@peabodyarnold.com>; Alexandra M. Beaton <ambeaton@peabodyarnold.com>; Lincoln A. Rose <lrose@peabodyarnold.com>; John Dealy <jdealy@hassettdonnelly.com>; David Hassett <dhassett@hassettdonnelly.com>; Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>; Michael Bell <mbell@tangmaravelis.com>; Thomas Tang <ttang@tangmaravelis.com>; Art Maravelis <amaravelis@tangmaravelis.com>; Sarah Shipley <sshipley@tangmaravelis.com>
Subject: RE: Motion to Compel Responses to Pltfs Supplemental RPDs

I sent you a Teams invite so that Mike Bell can join us. I also sent it to Dan Buck.

Aaron D. Rosenberg

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From: Marc Diller <MDiller@dillerlaw.com>

Sent: Tuesday, May 12, 2026 7:41 PM

To: Aaron D. Rosenberg <arosenberg@sheehan.com>; Christina Brillhante <CBillhante@dillerlaw.com>

Cc: Daniel Buck <DBuck@dillerlaw.com>; Tamara Smith Holtslag <tsmith@peabodyarnold.com>; Alexandra M. Beaton <ambeaton@peabodyarnold.com>; Lincoln A. Rose <lrose@peabodyarnold.com>; John Dealy <jdealy@hassettdonnelly.com>; David Hassett <dhassett@hassettdonnelly.com>; Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>; Michael Bell <mbell@tangmaravelis.com>; Thomas Tang <ttang@tangmaravelis.com>; Art Maravelis <amaravelis@tangmaravelis.com>; Sarah Shipley <sshopley@tangmaravelis.com>

Subject: RE: Motion to Compel Responses to Pltfs Supplemental RPDs

I'm available at 12:30 pm. I'll call you then.

Very Truly Yours,

Marc Diller, Esq.

(617)523-7771

www.dillerlaw.com



From: Aaron D. Rosenberg <arosenberg@sheehan.com>

Sent: Monday, May 11, 2026 7:10 PM

To: Marc Diller <MDiller@dillerlaw.com>; Christina Brillhante <CBillhante@dillerlaw.com>

Cc: Daniel Buck <DBuck@dillerlaw.com>; Tamara Smith Holtslag <tsmith@peabodyarnold.com>; Alexandra M. Beaton <ambeaton@peabodyarnold.com>; Lincoln A. Rose <lrose@peabodyarnold.com>; John Dealy <idealy@hassettdonnelly.com>; David Hassett <dhassett@hassettdonnelly.com>; Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>; Michael Bell <mbell@tangmaravelis.com>; Thomas Tang <ttang@tangmaravelis.com>; Art Maravelis <amaravelis@tangmaravelis.com>; Sarah Shipley <sshipley@tangmaravelis.com>
Subject: RE: Motion to Compel Responses to Pltfs Supplemental RPDs

Happy to talk if you think it will be helpful at this point, prior to you receiving the written responses. I'm available tomorrow between 1pm and 4pm or Wednesday between 10:30am and 4pm.

For the record, however, you served these lengthy document requests, which cover topics you have been focusing on in arguments and pleadings in this case since the beginning, on March 5, 2026, 19 months after you filed the case and almost a year after the stay relating to Ms. Read expired. The fact that Ms. Read's written Rule 34 responses were a month late because of an oversight has not impacted your ability to prepare for depositions.

Aaron D. Rosenberg

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From: Marc Diller <MDiller@dillerlaw.com>

Sent: Monday, May 11, 2026 3:36 PM

To: Aaron D. Rosenberg <arosenberg@sheehan.com>; Christina Brillhante <CB Brillhante@dillerlaw.com>

Cc: Daniel Buck <DBuck@dillerlaw.com>; Tamara Smith Holtslag <tsmith@peabodyarnold.com>; Alexandra M. Beaton <ambeaton@peabodyarnold.com>; Lincoln A. Rose <lrose@peabodyarnold.com>; John Dealy <idealy@hassettdonnelly.com>; David Hassett <dhassett@hassettdonnelly.com>; Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>; Michael Bell <mbell@tangmaravelis.com>; Thomas Tang <ttang@tangmaravelis.com>; Art Maravelis <amaravelis@tangmaravelis.com>; Sarah Shipley <sshipley@tangmaravelis.com>

Subject: RE: Motion to Compel Responses to Pltfs Supplemental RPDs

I'm not withdrawing the motion at this time. We can have a meet and confer to discuss whether we can resolve how to deal with the late discovery we need to proceed with depositions in this case.

Very Truly Yours,

Marc Diller, Esq.

(617)523-7771

www.dillerlaw.com



From: Aaron D. Rosenberg <arosenberg@sheehan.com>

Sent: Monday, May 11, 2026 12:48 PM

To: Marc Diller <MDiller@dillerlaw.com>; Christina Brilhante <CBrilhante@dillerlaw.com>

Cc: Daniel Buck <DBuck@dillerlaw.com>; Tamara Smith Holtslag <tsmith@peabodyarnold.com>;

Alexandra M. Beaton <ambeaton@peabodyarnold.com>; Lincoln A. Rose

<lrose@peabodyarnold.com>; John Dealy <jdealy@hassettdonnelly.com>; David Hassett

<dhassett@hassettdonnelly.com>; Damon M. Seligson <dseligson@sheehan.com>; Charles M.

Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>; Michael Bell

<mbell@tangmaravelis.com>; Thomas Tang <ttang@tangmaravelis.com>; Art Maravelis

<amaravelis@tangmaravelis.com>; Sarah Shipley <sshipley@tangmaravelis.com>

Subject: RE: Motion to Compel Responses to Pltfs Supplemental RPDs

What are you proposing we confer on? I said below that we will respond to your Requests, which is what your Motion asks for. I'm always willing to talk, but I want to know the subject.

Aaron D. Rosenberg

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From: Marc Diller <MDiller@dillerlaw.com>
Sent: Sunday, May 10, 2026 10:08 PM
To: Aaron D. Rosenberg <arosenberg@sheehan.com>; Christina Brillhante <CBrilhante@dillerlaw.com>
Cc: Daniel Buck <DBuck@dillerlaw.com>; Tamara Smith Holtslag <tsmith@peabodyarnold.com>; Alexandra M. Beaton <ambeaton@peabodyarnold.com>; Lincoln A. Rose <lrose@peabodyarnold.com>; John Dealy <idealy@hassettdonnelly.com>; David Hassett <dhassett@hassettdonnelly.com>; Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>; Michael Bell <mbell@tangmaravelis.com>; Thomas Tang <ttang@tangmaravelis.com>; Art Maravelis <amaravelis@tangmaravelis.com>; Sarah Shipley <sshipley@tangmaravelis.com>
Subject: RE: Motion to Compel Responses to Pltfs Supplemental RPDs

Aaron,

Let's meet and confer Tuesday or Wednesday. Let me know your availability.

Very Truly Yours,

Marc Diller, Esq.
(617)523-7771
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From: Aaron D. Rosenberg <arosenberg@sheehan.com>
Sent: Thursday, May 7, 2026 4:12 PM
To: Marc Diller <MDiller@dillerlaw.com>
Cc: Daniel Buck <DBuck@dillerlaw.com>; Tamara Smith Holtslag <tsmith@peabodyarnold.com>; Alexandra M. Beaton <ambeaton@peabodyarnold.com>; Lincoln A. Rose <lrose@peabodyarnold.com>; John Dealy <idealy@hassettdonnelly.com>; David Hassett <dhassett@hassettdonnelly.com>; Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>; Michael Bell <mbell@tangmaravelis.com>; Thomas Tang <ttang@tangmaravelis.com>; Art Maravelis <amaravelis@tangmaravelis.com>; Sarah Shipley <sshipley@tangmaravelis.com>
Subject: FW: Motion to Compel Responses to Pltfs Supplemental RPDs

Marc,

When I received this service email 37 minutes before today's status conference, I discovered that I never received the Requests it refers to. It seems you served them on the parties, but left me off the

distribution list. As you know, I have been the one handling the day to day discovery matters with you for the last six months or so, at least. I'm sure this was just a mistake, and I acknowledge that you did include other attorneys for Ms. Read.

However, when you didn't receive a response when it was due at the beginning of April, you didn't reach out to **anyone** representing Ms. Read and ask why that was. You didn't ask when you should expect a response. You didn't request a 9C conference, or raise this issue in any of the numerous conversations we have had since then. Instead, you waited more than a month and served your Motion to Compel just before logging onto a status conference, where I have little doubt you planned to raise the issue. Had you simply asked us why we hadn't responded in April, I would have told you that I never received the Requests and that we would get responses to you promptly, and we would have done. But instead, you opted to waste another month, along with whatever time you spent drafting these Motion papers, in an attempt to engage in more litigation by ambush.

We'll get you written responses to the Requests referenced in your motion, and I trust that you will then withdraw the Motion pursuant to Rule 9A.

Thanks,

Aaron

Aaron D. Rosenberg

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From: Christina Brilhante <CBrilhante@dillerlaw.com>

Sent: Thursday, May 7, 2026 2:23 PM

To: Aaron D. Rosenberg <arosenberg@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>; Tamara Smith Holtslag <tsmith@peabodyarnold.com>; Alexandra M. Beaton <ambeaton@peabodyarnold.com>; Lincoln A. Rose <lrose@peabodyarnold.com>; John Dealy <idealy@hassettdonnelly.com>; David Hassett <dhassett@hassettdonnelly.com>; Thomas Tang <ttang@tangmaravelis.com>; Michael Bell

<mbell@tangmaravelis.com>; Sarah Shipley <sshipley@tangmaravelis.com>

Cc: Marc Diller <MDiller@dillerlaw.com>; Daniel Buck <DBuck@dillerlaw.com>; Bibi Fell
<Bibi@Fellfirm.com>

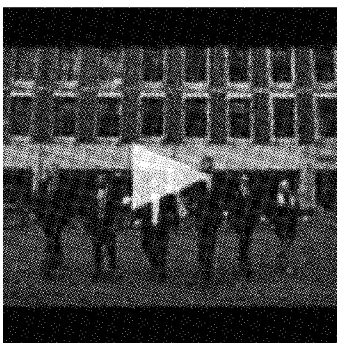
Subject: Motion to Compel Responses to Pltfs Supplemental RPDs

Good afternoon,

Please see the attached Motion to Compel Responses from Defendant Karen Read to Plaintiffs' Supplemental Requests for Document Production and the attached Memo in Support.

Best,

Christina Brilhante



Christina Brilhante

Associate Attorney

Phone (617) 206-3548

Email: CBrilhante@dillerlaw.com

Website: www.dillerlaw.com

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