

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,

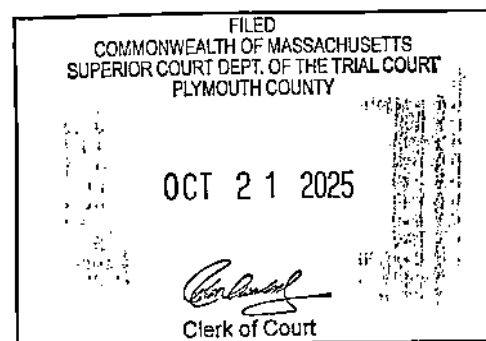
Plaintiffs,

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



ANSWER

NOW COMES Defendant Karen Read ("Ms. Read"), and answers the Complaint as follows:

1. Ms. Read is without sufficient or adequate information to admit or deny the allegations asserted in paragraph 1 of the Complaint, and therefore, denies the same.
2. Ms. Read is without sufficient or adequate information to admit or deny the allegations asserted in paragraph 2 of the Complaint, and therefore, denies the same.
3. Ms. Read is without sufficient or adequate information to admit or deny the allegations asserted in paragraph 3 of the Complaint, and therefore, denies the same.

4. Ms. Read is without sufficient or adequate information to admit or deny the allegations asserted in paragraph 4 of the Complaint, and therefore, denies the same.

5. Ms. Read is without sufficient or adequate information to admit or deny the allegations asserted in paragraph 5 of the Complaint, and therefore, denies the same.

6. Ms. Read is without sufficient or adequate information to admit or deny the allegations asserted in paragraph 6 of the Complaint, and therefore, denies the same.

7. Denied.

8. Ms. Read restates each and every one of her responses to the allegations set forth in paragraphs 1 through 7 as if fully set forth herein.

9. Ms. Read admits only that John O'Keefe (the "Decedent") had two siblings; that he was a Boston Police Officer; and that he raised his niece and nephew as their guardian. Further responding, as to the remaining allegations asserted in paragraph 9 of the Complaint, Ms. Read is without sufficient and adequate information to admit or deny them, and therefore, denies the same.

10. Admitted.

11. Admitted.

12. Denied.

13. Denied.

14. Admitted.

15. Ms. Read is without sufficient and adequate information to admit or deny allegations as to the status of C.F. McCarthy's license to sell and serve alcohol, and therefore, denies the same.

16. Ms. Read admits that she consumed alcohol at C.F. McCarthy's on January 28, 2022.

17. Ms. Read admits only that she consumed alcohol at C.F. McCarthy's on January 28, 2022. Otherwise, denied as pled.

18. Ms. Read admits only that she consumed alcohol at C.F. McCarthy's on January 28, 2022. Otherwise, denied as pled.

19. Denied.

20. Ms. Read admits only that she left C.F. McCarthy's with the Decedent. Otherwise, denied as pled.

21. Ms. Read admits only that she carried her drink with her when she departed the tavern. Otherwise, denied as pled.

22. Admitted.

23. Ms. Read is without sufficient and adequate information to admit or deny allegations as to the status of The Waterfall's license to sell and serve alcohol, and therefore, denies the same.

24. Admitted.

25. Denied.

26. Ms. Read admits only that she consumed alcohol at The Waterfall on January 28, 2022. Otherwise, denied as pled.

27. Admitted.

28. Admitted.

29. Denied.

30. Admitted.

31. Denied.

32. Denied.

33. Denied.

34. Denied.

35. Denied.

36. Denied.

37. Denied (as to subparagraphs a through f).

38. Denied (as to subparagraphs a through e).

39. Denied.

40. Denied.

41. Admitted.

42. Denied.

43. Denied.

44. Denied.

45. Ms. Read admits only that the Decedent was later determined to have suffered traumatic injury. Otherwise, denied.

46. Ms. Read admits only that the Decedent was pronounced dead on January 29, 2022. Otherwise, denied.

47. Denied.

48. The written results of Ms. Read's blood draw referenced in paragraph 48 of the Complaint speaks for itself, and therefore, no response is required.

49. The allegations in paragraph 49 of the Complaint call for a legal conclusion, and therefore, no response is required.

50. Denied.

51. Denied.

52. Denied.

53. The statement set forth in paragraph 53 of the Complaint is not an allegation of fact to which a response is required. To the extent a response is required, Ms. Read denies that she is liable to the Plaintiffs, individually or collectively

COUNT I

54. Ms. Read restates and reavers each and every one of her responses to the allegations set forth in paragraphs 1 through 53 as fully set forth herein.

55. The allegations set forth in paragraph 55 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

56. The allegations set forth in paragraph 56 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

57. The allegations set forth in paragraph 57 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

58. The allegations set forth in paragraph 58 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

59. The allegations set forth in paragraph 59 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

60. The allegations set forth in paragraph 60 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

61. The allegations set forth in paragraph 61 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

62. The allegations set forth in paragraph 62 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

63. The allegations set forth in paragraph 63 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

COUNT II

64. Ms. Read restates and reavers each and every one of her responses to the allegations set forth in paragraphs 1 through 63 as fully set forth herein.

65. The allegations set forth in paragraph 64 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

66. The allegations set forth in paragraph 66 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

67. The allegations set forth in paragraph 67 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

68. The allegations set forth in paragraph 68 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

69. The allegations set forth in paragraph 69 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

70. The allegations set forth in paragraph 70 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

71. The allegations set forth in paragraph 71 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

72. The allegations set forth in paragraph 72 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

73. The allegations set forth in paragraph 73 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

WHEREFORE, Ms. Read denies that she is liable or responsible to the Plaintiffs, and requests that the Court deny the specific remedy and relief, or any remedy or relief, that the Plaintiffs seek in this action.

COUNT III

74. Ms. Read restates and reavers each and every one of her responses to the allegations set forth in paragraphs 1 through 73 as fully set forth herein.

75. The allegations set forth in paragraph 74 of the Complaint call for a legal conclusion, and therefore, no response is required.

76. Denied.

77. Denied.

78. Denied.

WHEREFORE, Ms. Read denies that she is liable or responsible to the Plaintiffs, and requests that the Court deny the specific remedy and relief, or any remedy or relief, that the Plaintiffs seek in this action.

COUNT IV

79. Ms. Read restates and reavers each and every one of her responses to the allegations set forth in paragraphs 1 through 78 as fully set forth herein.

80. Admitted.

81. The allegations set forth in paragraph 81 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

82. The allegations set forth in paragraph 82 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

83. The allegations set forth in paragraph 83 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

84. The allegations set forth in paragraph 84 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

85. The allegations set forth in paragraph 85 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

WHEREFORE, Ms. Read denies that she is liable or responsible to the Plaintiffs, and requests that the Court deny the specific remedy and relief, or any remedy or relief, that the Plaintiffs seek in this action.

COUNT V

86. Ms. Read restates and reavers each and every one of her responses to the allegations set forth in paragraphs 1 through 85 as fully set forth herein.

87. Admitted.

88. The allegations set forth in paragraph 88 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

89. The allegations set forth in paragraph 89 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

90. The allegations set forth in paragraph 90 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

91. The allegations set forth in paragraph 91 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

92. The allegations set forth in paragraph 92 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

WHEREFORE, Ms. Read denies that she is liable or responsible to the Plaintiffs, and requests that the Court deny the specific remedy and relief, or any remedy or relief, that the Plaintiffs seek in this action.

COUNT VI

93. Ms. Read restates and reavers each and every one of her responses to the allegations set forth in paragraphs 1 through 92 as fully set forth herein.

94. Admitted.

95. The allegations set forth in paragraph 95 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

96. The allegations set forth in paragraph 96 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

97. The allegations set forth in paragraph 97 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

98. The allegations set forth in paragraph 98 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

99. The allegations set forth in paragraph 99 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

WHEREFORE, Ms. Read denies that she is liable or responsible to the Plaintiffs, and requests that the Court deny the specific remedy and relief, or any remedy or relief, that the Plaintiffs seek in this action.

COUNT VII

100. Ms. Read restates and reavers each and every one of her responses to the allegations set forth in paragraphs 1 through 99 as fully set forth herein.

101. Admitted.

102. The allegations set forth in paragraph 102 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

103. The allegations set forth in paragraph 103 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

104. The allegations set forth in paragraph 104 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

105. The allegations set forth in paragraph 105 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

106. The allegations set forth in paragraph 106 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

WHEREFORE, Ms. Read denies that she is liable or responsible to the Plaintiffs, and requests that the Court deny the specific remedy and relief, or any remedy or relief, that the Plaintiffs seek in this action.

COUNT VIII

107. Ms. Read restates and reavers each and every one of her responses to the allegations set forth in paragraphs 1 through 106 as fully set forth herein.

108. Admitted.

109. The allegations set forth in paragraph 109 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

110. The allegations set forth in paragraph 110 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

111. The allegations set forth in paragraph 111 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

112. The allegations set forth in paragraph 112 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

113. The allegations set forth in paragraph 113 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

WHEREFORE, Ms. Read denies that she is liable or responsible to the Plaintiffs, and requests that the Court deny the specific remedy and relief, or any remedy or relief, that the Plaintiffs seek in this action.

COUNT IX

114. Ms. Read restates and reavers each and every one of her responses to the allegations set forth in paragraphs 1 through 113 as fully set forth herein.

115. Admitted.

116. The allegations set forth in paragraph 116 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

117. The allegations set forth in paragraph 117 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

118. The allegations set forth in paragraph 118 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

119. The allegations set forth in paragraph 119 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

120. The allegations set forth in paragraph 120 of the Complaint do not pertain to Ms. Read, and therefore, no response is required. To the extent that a response is required, denied.

WHEREFORE, Ms. Read denies that she is liable or responsible to the Plaintiffs, and requests that the Court deny the specific remedy and relief, or any remedy or relief, that the Plaintiffs seek in this action.

COUNT X

121. Ms. Read restates and reavers each and every one of her responses to the allegations set forth in paragraphs 1 through 120 as fully set forth herein.

122. Admitted.

123. Ms. Read is without sufficient or adequate information to admit or deny the allegations asserted in paragraph 123 of the Complaint, and therefore, denies the same.

124. Denied.

125. Denied.

126. Denied.

127. Denied.

128. Denied.

WHEREFORE, Ms. Read denies that she is liable or responsible to the Plaintiffs, and requests that the Court deny the specific remedy and relief, or any remedy or relief, that the Plaintiffs seek in this action.

COUNT XI

129. Ms. Read restates and reavers each and every one of her responses to the allegations set forth in paragraphs 1 through 128 as fully set forth herein.

130. Admitted.

131. Ms. Read is without sufficient or adequate information to admit or deny the allegations asserted in paragraph 123 of the Complaint, and therefore, denies the same.

132. Denied.

133. Denied.

134. Denied.

135. Denied.

136. Denied.

WHEREFORE, Ms. Read denies that she is liable or responsible to the Plaintiffs, and requests that the Court deny the specific remedy and relief, or any remedy or relief, that the Plaintiffs seek in this action.

COUNT XII

137. Ms. Read restates and reavers each and every one of her responses to the allegations set forth in paragraphs 1 through 136 as fully set forth herein.

138. Admitted.

139. Ms. Read is without sufficient or adequate information to admit or deny the allegations asserted in paragraph 139 of the Complaint, and therefore, denies the same.

140. Denied.

141. Denied.

142. Denied.

143. Denied.

144. Denied.

WHEREFORE, Ms. Read denies that she is liable or responsible to the Plaintiffs, and requests that the Court deny the specific remedy and relief, or any remedy or relief, that the Plaintiffs seek in this action.

COUNT XIII

145. Ms. Read restates and reavers each and every one of her responses to the allegations set forth in paragraphs 1 through 144 as fully set forth herein.

146. Admitted.

147. Denied.

148. Denied.

149. Denied.

150. Denied.

151. Denied.

152. Denied.

153. Denied.

154. Denied.

155. Denied.

156. Denied.

157. Denied.

158. Denied.

159. Denied.

160. Denied.

161. Denied.

162. Denied.

WHEREFORE, Ms. Read denies that she is liable or responsible to the Plaintiffs, and requests that the Court deny the specific remedy and relief, or any remedy or relief, that the Plaintiffs seek in this action.

AFFIRMATIVE DEFENSES

Having denied each and every allegation pled in the Complaint that has not been expressly admitted, Ms. Read asserts the following Affirmative Defenses:

1. The Complaint fails to state a claim upon which relief can be granted, and accordingly, each count set forth therein should be dismissed with prejudice.
2. To the extent that the Plaintiffs have suffered damages, all such damages claimed were caused by the acts and omissions of third parties for whom Ms. Read is not responsible.
3. The Plaintiffs' claims are barred by the doctrine of waiver.
4. The Plaintiffs' claims are barred by the doctrine estoppel.
5. The Plaintiffs' claims are barred by laches.
6. The Plaintiffs' claims are barred by the applicable statute of limitations.
7. The Plaintiffs' claims are barred by the doctrine of unclean hands.
8. Any damages that the Plaintiffs claim that they are entitled to are expressly limited by Massachusetts law, including the limitations on damages set forth in M.G.L. c. 229, § 1, et seq.
9. Plaintiffs fail to establish that they are entitled to punitive damages as claimed.
10. Plaintiffs fail to establish that they are entitled to attorney's fees and/or cost as claimed.

Ms. Read expressly reserves the right to assert additional affirmative defenses as this matter proceeds.

Respectfully submitted,

KAREN READ,

By her attorneys,

/s/ Damon M. Seligson

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Dated: October 21, 2025

CERTIFICATE OF SERVICE

I certify that a copy of this document was served on all counsel of record by email on
October 21, 2025.

/s/ Damon M. Seligson

Damon M. Seligson