

O'Keefe et al v, C&C Hospitality et al

2483CV692

June 8, 2026

Motion for Protective Order from Non-Party Michael Proctor

For this case to proceed efficiently, and for our system of justice to work, certain basic things have to happen. A subpoena needs to mean something. A lawyer's agreement needs to have meaning. Lawyers need to communicate with their clients. Clients need to keep their attorneys informed. When given an opportunity to provide support for a party's request, that party needs to avail themselves of the opportunity.

Based on the record before me, there is insufficient information to support a delay in the deposition going forward. However, given the claims made in the filings over the weekend, I will delay making a final decision on the motion until 4:00 p.m. today to give Mr. Proctor's counsel the opportunity to supplement the record before me. The subpoena requiring Mr. Proctor to appear for a deposition today is stayed for 24 hours.

Further hearing will be held today at 4:15 p.m. by Zoom.

I followed up with Attorney Seligson with his reference to strategically preparing for the deposition because I read in the media of an appearance on the TODAY show Friday morning, where Ms. Read said filing her new civil lawsuit was always part of a plan she had. Beside her were attorneys Alan Jackson and Charles Waters, who cast the case as a bid to expose institutional corruption in Massachusetts law enforcement and to hold someone accountable for the death of her boyfriend, Officer John O'Keefe."

Although there is no duty for Ms. Read's counsel to have informed Mr. Proctor's counsel of the intent to file the most recently filed Bristol County action, I think it is unreasonable to have not done so with a scheduled deposition pending, and then to have filed such action four (4) days before the scheduled deposition.

The actions by counsel (Mr. Proctor's counsel seeking to continue the deposition at the last moment, and Ms. Read's counsel filing its new action four (4) days before a scheduled deposition with an obviously planned appearance on national television) brought to mind Comment 4 to Rule 3.5 of the Massachusetts Rules of Professional Conduct wherein it is stated:

"An advocate can present the cause, protect the record for subsequent review and preserve professional integrity by patient firmness no less effectively than by...theatrics."

As ST. Mary's University School of Law Assistant Professor David Grenardo noted years ago at a conference on professional responsibility "Civility in the legal profession is generally defined as "treating others-opposing counsel, the court, clients, and others-with courtesy, dignity, and kindness."



Mark C. Gildea, J.