

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

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT KAREN READ'S
MOTION TO COMPEL THE MASSACHUSETTS STATE POLICE TO
PRODUCE DOCUMENTS PURSUANT TO NON-PARTY SUBPOENA**

Defendant Karen Read ("Read") respectfully requests that the Court compel the Massachusetts State Police ("MSP") to produce two categories of documents it has withheld: (1) communications between MSP and the Norfolk District Attorney's Office (the "NDAO"), and (2) specific types of communications MSP unilaterally deemed wholesale irrelevant.

In July 2025, Read served a subpoena on MSP seeking documents and communications related to the criminal investigation into the death of John O'Keefe III ("Mr. O'Keefe"), including, among other things, documents concerning Read, communications with witnesses and investigators, and documents concerning the disciplinary proceedings of lead investigators

Michael Proctor and Yuriy Bukhenik. Since that time, Read’s counsel has been actively communicating with MSP and its counsel urging them to identify and produce documents responsive to the subpoena. MSP never objected to Read’s subpoena and gave no indication that it would later refuse to produce responsive documents. However, when MSP finally did produce responsive emails in February 2026, it unilaterally withheld 473 messages, asserting—for the first time—that it would not produce them because it concluded that another unrelated entity—**the NDAO**—had previously determined, in response to a **different** subpoena, that those emails were protected work product. To this day, the MSP still has not itself asserted any objections to the subpoena, explained how those emails constitute work product, or provided a privilege log or a description of the purportedly protected emails sufficient to determine whether they are, in fact, protected.

But, even assuming these documents are all related to the investigation into Mr. O’Keefe’s death and Read’s prosecution, and were created for the purpose of such prosecution, they still must be produced. That prosecution ended nearly a year ago when Read was acquitted for all crimes relating to Mr. O’Keefe’s death, and the work product doctrine does not apply indefinitely after the underlying litigation terminates. That doctrine is also not absolute, and yields when a party demonstrates a substantial need for the documents, which Read has in this case. Indeed, she is defending against the exact same disproven theory the Commonwealth employed against her, as well as claims that her “false narrative” relating to Mr. O’Keefe’s death—centered around the police investigation itself—caused emotional distress to the Plaintiffs.

The MSP has also refused to produce several other broad categories of responsive documents. In March 2026, months after the parties had agreed on specific search terms to

identify such documents, MSP's counsel explained that MSP had withheld a large number of documents identified using the agreed-upon search terms on the basis that they were somehow not responsive to Read's subpoena. However, these documents include relevant case summaries published by the Massachusetts State Police Crime Lab, communications concerning public records requests and media inquiries, emails from news outlets, and documents related to jury escorts during Read's criminal trials. **MSP's counsel has acknowledged that many of these documents relate to or contain references to the death of Mr. O'Keefe and Read's criminal prosecution.** But despite their responsiveness and relevance to the issues in this case, MSP will not agree to produce them. Although MSP's counsel directed Read's counsel to continue conferring on this topic, MSP has not substantively responded to attempts to do so in more than three weeks, despite repeated follow up.

For these reasons as further detailed below, the Court should order MSP to produce the documents and communications it has withheld pursuant to the work product doctrine and the categories of documents it claims are non-responsive.

ARGUMENT

I. MSP failed to object to Read's subpoena on the basis of work product protection, and even if it had, Read would still be entitled to the documents she seeks.

In July 2025, Read served a subpoena on the MSP seeking materials relating to the criminal investigation into the death of Mr. O'Keefe. A copy of that subpoena is attached as Exhibit 1. The subpoena seeks communications between MSP and prosecutors, documents concerning Read, O'Keefe, and witnesses, and documents relating to the disciplinary proceedings of the lead investigators, among other things. MSP never objected to the subpoenas.

MSP produced an initial batch of non-email documents, and for months Read's counsel conferred and urged MSP to locate and produce responsive communications. For example, when MSP informed Read's counsel that initial searches based on the subpoena's language gathered an exceptionally large number of emails, Read's counsel narrowed the scope of the subpoena and agreed that MSP could use more specific search terms to identify documents to produce. This reduced the number of potentially responsive communications to approximately 58,000, and MSP informed Read's counsel that MSP would begin reviewing these communications and producing those that were responsive.

However, in February 2026, MSP produced only 435 responsive emails, a small fractional percentage of the number of emails that had been identified by the parties' agreed-to search terms. For the first time, MSP also indicated that it was withholding all 473 responsive communications between MSP and the NDAO **based solely on the NDAO's work product objection to Read's separate subpoena directed to that office**. As discussed above, MSP has **still** not asserted any objections of its own; nor has MSP explained why or how those emails, sent in the context of a criminal investigation that concluded with an acquittal almost a year ago, constitute work product. Moreover, MSP has failed to provide a privilege log or any description of the purportedly protected emails, much less one sufficient to determine whether they are protected. After failing to object for nine months, MSP cannot now rely on a separate entity's objection to a separate subpoena to refuse to comply with its obligations under Mass. R. Civ. P. 45.

As this Court knows, Rule 45 provides that a subpoenaed party asserting protection over responsive documents must object in writing "within 10 days after the service thereof" and must "make the claim expressly and provide information that will enable the parties to assess the

claim.” Mass. R. Civ. P. 45(d)(1), 45(f)(2)(A). MSP failed to comply with either of these requirements. It has not asserted any objections to Read’s subpoena and waited seven months to even alert Read that it was planning to withhold anything based on work-product protection. MSP has, therefore, waived any objections it may have had. *See Lease Resolution Corp. v. Aut-A-Wash, Inc.*, No. 92-1767, 2021 Mass. Super LEXIS 2 at *3-4 (Jan. 8, 2001) (failure to timely object to discovery requests constitutes waiver of objections); *see also In re Grand Jury Subpoena*, 274 F.3d 563, 576 (1st Cir. 2001) (explaining that “party that fails to submit a privilege log is deemed to waive” claims or privilege or work product protection.); *Pons v. Walter Kidde Portable Equip. Inc.*, No. 2025 U.S. Dist. LEXIS 93919 at *6 (D. Mass. May 16, 2025) (“Failure to timely and properly object to the subpoena generally constitutes a waiver of all grounds for objection, including privilege.”); *Burroughs Corp. v. Dataware Sources, Inc.*, No. 86-608, 1987 U.S. Dist. LEXIS 10334 at *2 (D. Mass. Apr. 28, 1987) (“When objections [to a subpoena] are not filed within the time provided by the Rule, the objections are waived.”). MSP has also failed to provide any information about the emails in question that would enable the parties or the Court to determine whether they are protected, instead simply refusing to produce any communications between MSP and the NDAO.

But even if it were proper for MSP to rely on the NDAO’s assertion of the work product doctrine relating to an entirely different subpoena (it is not), the emails in question would still not be protected. The work product doctrine only applies to documents prepared “in anticipation of litigation . . . by or for another party or by or for that other party’s representative.” Mass. R. Civ. P. 26(b)(3); *Comm’r of Rev. v. Comcast Corp.*, 453 Mass. 293, 314 (2009). “The purpose of the doctrine is to establish a zone of privacy for strategic litigation planning to prevent one party from piggybacking on the adversary’s preparation.” *Comm’r of Rev.*, 453 Mass. at 311-12

(citation modified). The party asserting the protection has the burden of establishing that it applies to the relevant documents. *Attorney General v. Facebook, Inc.*, 487 Mass. 109, 121 (2021) (“[T]he party[] asserting the productions[] bears the burden of provide that both the privilege and the work product doctrine apply.”) (quoting *Comcast*, 453 Mass. at 304). Here, MSP has not provided any information suggesting the withheld emails were created in anticipation of litigation. MSP has not detailed the senders, the recipients, the dates, or even the subject of each email. To the extent the MSP invokes work product protection based on the Commonwealth’s prosecution of Read, it must show that these emails were prepared by or for the prosecuting party (the NDAO) in anticipation of that prosecution. The MSP has failed to make that showing.

Additionally, Read was acquitted nearly a year ago. Thus, the litigation for which any work product was created is complete, and therefore, there is no risk that producing these materials will disrupt or undermine any ongoing proceeding. *See Ward*, 380 Mass. at 817-18 (production of work product appropriate where underlying litigation has ended); *McCarthy*, 463 Mass. at 198 n.37 (where litigation has ended, court may “view tolerantly the showing necessary to overcome the work product immunity”) (quotation omitted). Indeed, “**many courts have found the work-product privilege unavailable when a prosecutor in a prior criminal investigation later objects to discovery by a litigant in a related and subsequent civil lawsuit.**” *Stamps v. Town of Framingham*, 38 F. Supp. 3d 134, 143-44 (D. Mass. 2014) (emphasis added). This comports with the purpose of the doctrine, which is to prevent counsel from “piggybacking” on an adverse party’s preparation in ongoing litigation. *Comm’r of Rev.*, 453 Mass. at 311-12; *Ward*, 380 Mass. at 817.

There is also no “blanket exemption for police records or investigatory materials” sought by subpoena. *See District Attorney v. Flatley*, 419 Mass. 507, 512 (1995). Police records are generally discoverable. *See Town Crier, Inc. v. Chief of Police*, 361 Mass. 682, 691 (1972) (“All police records, however, whether or not they are public records, are subject to being summoned before a proper tribunal in accordance with established rules of law.”). Permitting subpoenas for police and investigatory records accords with the principle that parties are entitled to relevant evidence, regardless of the source. *See Cronin v. Strayer*, 392 Mass. 525, 532 (1984) (“Massachusetts courts recognize the principle that the public has a right to every man’s evidence”) (citation modified). Consistent with this principle, Massachusetts courts do “not favor claims of privilege,” and if a privilege or protection is recognized, “its limits should be sharply determined so as to coincide with the limits of the benefits it creates.” *See id.* at 532-33. Because Read’s subpoena seeks relevant evidence and the underlying criminal case has long since ended, any claim of work product protection should be rejected.

Similarly, the documents are not protected from disclosure because the alleged “work product” in question is, itself at issue. In other words, even if these emails were at one time considered work product created in furtherance of the Commonwealth’s prosecution of Read, that is precisely why they should now be produced. The Plaintiffs allege, among other things, that Read created a “false narrative” that the police investigation into Mr. O’Keefe’s death was corrupt, biased, and designed to frame Read. Compl., Doc. No. 1, ¶¶ 52, 126, 134, 142, 160. Thus, law enforcement’s conduct in that investigation is a central issue in this case. These materials reflect that conduct. There is no work product protection in such circumstances. *See Ward v. Peabody*, 380 Mass. 805, 818 (1980) (“[W]hen the activities of counsel are inquired into because they are at issue in the action before the Court, there is cause for production of

documents that deal with such activities, though they are ‘work product.’”); *Cahaly v. Benistar Prop. Exch. Trust Co.*, 85 Mass. App. Ct. 418, 427 (2014) (no work product protection where the dispute “puts in play” the contents of that work product). The Plaintiffs are also asserting the same theory of liability that the Commonwealth unsuccessfully used in its prosecutions of Read. Therefore, communications between MSP and the NDAO concerning that theory and the evidentiary support for it, or lack thereof, are highly relevant and cannot be obtained from any other source.

Finally, whether these emails constitute work product is not dispositive because the doctrine does not create an absolute privilege, but rather, a qualified protection that can be overcome when the information sought is necessary for a party’s case. *See McCarthy v. Slade Assocs.*, 463 Mass. 181, 194-95 (2012). Rule 26 provides that a party may obtain discovery of documents otherwise protected by the work product doctrine “upon a showing that the party seeking discovery has substantial need of the materials in the preparation of [her] case and that [s]he is unable without undue hardship to obtain the substantial equivalent of the materials by other means.” Mass. R. Civ. P. 26(b)(3); *see also McCarthy*. 463 Mass. at 194. As explained above, Read has a substantial need for these materials. *See Cahaly v. Benistar Prop. Exch. Trust Co.*, 85 Mass. App. Ct. 418, 425 (2014) (“Substantial need is shown where, as here, the work product at issue is central to the parties’ substantive claims.”). Thus, even if these documents constitute work product, their production is still required pursuant to Rule 26(b)(3).

II. MSP improperly failed to produce certain categories of responsive documents relating to Mr. O’Keefe’s death and Read’s criminal prosecution, which it unilaterally deemed non-responsive.

Read’s counsel and MSP conferred over the course of months and agreed on search terms to identify potentially responsive documents. But months after stating that it would review the

more than 58,000 emails gathered by the agreed terms and produce responsive messages, MSP produced just 435 emails. When Read's counsel asked about this discrepancy, MSP's counsel indicated that MSP had concluded that the vast majority of documents identified using those agreed-upon search terms were not actually responsive to the subpoena and refused to produce them. MSP explained that many of the emails it deemed non-responsive fell into a series of categories. However, several of these excluded categories are in fact responsive to Read's subpoena.

Specifically, MSP refuses to produce (among other categories that Read is not challenging): (1) emails from news outlets concerning Read's criminal trials and witnesses; (2) communications concerning public records requests and media inquiries; (3) case summaries published by the Massachusetts Crime Lab related to Mr. O'Keefe's death; and (4) documents related to MSP's participation in the jury escort during Read's criminal trials. MSP's counsel has acknowledged that many documents in these categories do, in fact, relate to Read, witnesses from Read's criminal trials, the death of Mr. O'Keefe, and the underlying criminal investigation and prosecution.

After MSP provided these categories, Read's counsel requested that MSP produce the documents falling into the four categories listed above. MSP's counsel did not agree, but insisted that the parties continue conferring and asked Read's counsel to explain why the categories in question are responsive to Read's subpoena, which Read's counsel did. However, MSP's counsel has not responded substantively during the three weeks that have passed since receiving such explanation, and has not agreed to produce any of the documents in question. A copy of the email communications between counsel on this point are attached as Exhibit 2. This is an emphatic capstone to what has been one long series of delays and obstruction.

These documents relate to Read, Mr. O’Keefe’s death, and the underlying criminal investigation and prosecution. They are responsive and must be produced. *See* Mass. R. Civ. P. 26(b)(1) (“Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party . . .”).

CONCLUSION

For the foregoing reasons, Read respectfully requests that the Court order MSP to produce all documents MSP withheld pursuant to the work product doctrine and the documents that fall within the four categories identified above, within ten (10) days of such order.

Respectfully submitted,

KAREN READ,

By her attorneys,

/s/ Aaron D. Rosenberg

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

WERKSMAN JACKSON & QUINN LLP

Alan J. Jackson, *pro hac vice*
Caleb E. Mason, *pro hac vice*
Elizabeth S. Little, *pro hac vice*
Werksman Jackson & Quinn LLP
888 West Sixth Street, Fourth Floor
Los Angeles, CA 90017
(213) 688-0460
ajackson@werksmanjackson.com
cmason@werksmanjackson.com
elittle@werksmanjackson.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: May 1, 2026

CERTIFICATE OF SERVICE

I certify that I served a copy of this document on all counsel of record by email on May 1, 2026.

/s/ Aaron D. Rosenberg

Aaron D. Rosenberg

EXHIBIT 1

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,

Civil Action No. 2483cv00692

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.

SUBPOENA

To: Keeper of Records
Massachusetts State Police
470 Worcester Road
Framingham, MA 01702

GREETINGS, YOU ARE HEREBY COMMANDED, in the name of the
Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts
Rules of Civil Procedure, to produce the documents identified in the attached **Schedule A** at the
offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston,
Massachusetts 02109, on or before **August 5, 2025, at 10:00 a.m.**¹

¹ To arrange electronic production of the requested documents, please contact Attorney Aaron Rosenberg at (617) 897-5664, arosenberg@sheehan.com.

HEREOF FAIL NOT, as failure by any person without adequate excuse to obey a subpoena served upon him may be deemed a contempt of the court in which the action is pending.

Respectfully submitted,

KAREN READ,

By her attorneys,



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

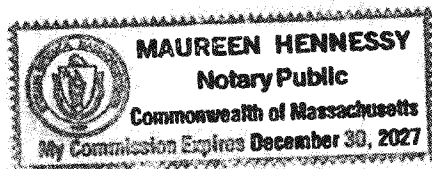
617.897.5600

dseligson@sheehan.com

cwaters@sheehan.com

arosenberg@sheehan.com

Dated: July 22, 2025



Notary Public

My Commission Expires: 12/30/27

CERTIFICATE OF SERVICE

I certify that a copy of this document was served on all counsel of record by email on July 22, 2025.



Aaron D. Rosenberg

SCHEDULE A
DEFINITIONS

Unless specifically indicated, or otherwise required by the context in which the terms, names, and instructions are used:

1. **“Document”** or **“documents”** means all written, printed, typed, or other graphic matter; all print-outs and run-offs now, or at any time, in your possession, custody or control, or known to you, whether or not prepared by you. “Document” or “documents” includes, but is not limited to, all correspondence, agreements, memoranda, reports, notes, drafts of documents, internal communications, interoffice communications, telegrams, letters, directives, bulletins, accounts, vouchers, invoices, bills, ledgers, financial statements, analyses, estimates, maps, charts, graphs, drawings, work sheets, minutes, and summaries of meetings, conversations, or communications of any type, including telephone conversations and telephone messages, text messages, electronically stored information, electronic mail, instant messages, and information stored on CD-ROM and/or tape. “Document” or “documents” also include all copies and drafts which are not identical to the original.

2. A **“recording”** means any original or copies, either full or partial, of any responsive audio or video recording, including all metadata associated with such recordings. “Recording” also includes any derivative works or derivative video or audio compilations.

3. The term **“concerning”** means referring to, relating to, describing, evidencing, or constituting.

4. The term **“communication”** means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise) in whatever form, written or verbal or otherwise.

5. **“Representative”** or **“representatives”** used with reference to a person or entity, means (a) any past or present officer, director, partner, associate, employee, servant, agent, subsidiary, affiliate, legal counsel, or any agent of such persons; and (b) any other persons acting on behalf of, or in concert with, such persons, including, without limitation, insurance brokers or agents, auditors, actuaries, and consultants of any type.

6. “**Relate(s) to,**” “**related to,**” or “**relating to**” means to refer to, reflect, concern, pertain to, or in any manner be connected with the matter discussed.

INSTRUCTIONS

1. **Documents Withheld.** If any document is withheld under a claim of privilege or other protection, so as to aid the Court and the parties hereto to determine the validity of the claim of privilege or other protection, please provide the following information with respect to any such documents:

- (a) the identity of the person(s) who prepared the document, who signed it, and over whose name it was sent or issued;
- (b) the identity of the person(s) to whom the document was directed;
- (c) the nature and substance of the document with sufficient particularity to enable the Court and parties hereto to identify the document;
- (d) the date of the document;
- (e) the identity of the person(s) who has custody of, or control over the document and each copy thereof;
- (f) the identify of each person to whom copies of the document were furnished;
- (g) the number of pages;
- (h) the basis on which any privilege or other protection is claimed; and,
- (i) whether any non-privileged or non-protected matter is included in the document.

2. **Partial Production.** If you object to a particular request, or portion thereof, you must produce all documents called for which are not subject to that objection. Similarly, wherever a document is not produced in full, please state with particularity the reason or reasons it is not being produced in full, and describe, to the best of your knowledge, information and belief, and with as much particularity as possible, those portions of the document which are not produced.

3. **Orderly Response.** Wherever it is reasonably practicable, please produce documents in such manner as will facilitate their identification with the particular request or category of requests to which they are responsive.

4. **Construction of “and” and “or”.** As used herein, the words “and” and “or” shall be construed both conjunctively and disjunctively, and each shall include the other wherever such dual construction will serve to bring within the scope of these requests and any documents which would otherwise not be brought within its scope.

5. **Construction of the Singular and Plural Forms.** As used herein, the singular form shall include the plural and vice versa whenever such dual construction will serve to bring within the scope of these requests any documents which would otherwise not be brought within its scope.

6. **Format for Production.** For all documents currently stored in electronic format, produce those documents in their electronic, native form with all metadata intact. For example, emails should be produced in .pst format and audio and video recordings should be produced in their native forms with all metadata intact. If you intend to produce documents in a format other than that specified in these instructions, please notify Plaintiff’s counsel before making the production.

7. **Supplementation Required.** To the extent you obtain possession, custody, or control of a document that is responsive to these requests after you make your production in response to these requests, you must supplement that initial production with the newly acquired document.

DOCUMENT REQUESTS

1. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, to, from, or concerning

Karen Read, or any of her family members, heirs, assigns, employees, contractors, agents, attorneys, or other representatives.

2. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, concerning the 2021 black Lexus LX 570 SUV leased by Karen Read as of January 28, 2022.

3. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, concerning or referring to the death of John J. O'Keefe, III on or about January 29, 2022.

4. All documents, video or audio recordings, or communications, including but not limited to emails, text messages, and other forms of instant messages, to, from, or concerning John O'Keefe, II, Paul O'Keefe, or Margaret O'Keefe from January 1, 2021 to the present.

5. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, to, from, or concerning Brian Albert, Nicole Albert, Chris Albert, Julie Albert, Colin Albert, Brian Higgins, Jennifer McCabe, Matthew McCabe, Allison McCabe, Kerry Roberts, or any other individual present at 34 Fairview Road, Canton, Massachusetts 02021 on January 28 or January 29, 2022, or any interviews, meetings, conversations, or encounters with any such individuals, from January 1, 2021 to the present.

6. All video or audio recordings made, taken, or recorded in Canton, Massachusetts from January 29, 2022 through April 1, 2022.

7. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, to, from, or concerning any member of the Canton Police Department from January 28, 2022 through April 1, 2022.

8. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, to, from, or concerning any member of the Boston Police Department from January 28, 2022 through February 1, 2022.

9. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, concerning 34 Fairview Road, Canton, Massachusetts 02021 from January 1, 2021 through the present.

10. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, concerning any dog owned, kept, or fostered by any member of the Albert family at 34 Fairview Road, Canton, Massachusetts 02021, from January 1, 2021 to the present.

11. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, concerning any investigation by any federal agency, department, board, administration, office, or agent relating in any way to the death of John J. O'Keefe, III from January 28, 2022 to the present.

12. Any documents, video or audio recordings, or communications, including but not limited to emails, text messages, and other forms of instant messages, concerning any gifts or items received by any employee, trooper, officer, agent, contractor, or other representative of the Massachusetts State Police from any member of the Albert, McCabe, Roberts, or Higgins families from January 28, 2022 to the present, including but not limited to copies, photographs, or other representations of any such gifts.

13. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, to, from, or concerning Michael Proctor from January 28, 2022 to the present.

14. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, to, from, or concerning Yuri Bukhenik from January 28, 2022 to the present.

15. All documents and communications concerning any disciplinary investigation, proceeding, decision, action, or appeal concerning Michael Proctor's conduct as a Trooper or other rank within the Massachusetts State Police, from January 1, 2021 through the present.²

16. All documents and communications concerning any disciplinary investigation, proceeding, decision, action, or appeal concerning Yuri Bukhenik's conduct as a Trooper or other rank within the Massachusetts State Police, from January 1, 2021 through the present.

² Please note that the Subpoena attached as Exhibit 1 demands some of the same documents and is also being served on Michael Proctor.

EXHIBIT 1

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,

Civil Action No. 2483cv00692

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.

SUBPOENA

To: Michael Proctor
6 Wentworth Road
Canton, MA 02021

GREETINGS, YOU ARE HEREBY COMMANDED, in the name of the

Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts

Rules of Civil Procedure, to produce the documents identified in the attached **Schedule A** at the

offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston,

Massachusetts 02109, on or before **August 5, 2025, at 10:00 a.m.**¹

¹ To arrange electronic production of the requested documents, please contact Attorney Aaron Rosenberg at (617) 897-5664, arosenberg@sheehan.com.

YOU ARE FURTHER COMMANDED to appear at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts 02109, on **August 28, 2025, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of a deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths. The deposition will continue day to day as necessary and will be recorded stenographically and by audio-visual means.

HEREOF FAIL NOT, as failure by any person without adequate excuse to obey a subpoena served upon him may be deemed a contempt of the court in which the action is pending.

Respectfully submitted,

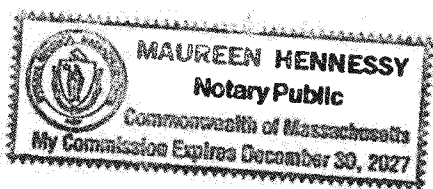
KAREN READ,

By her attorneys,



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

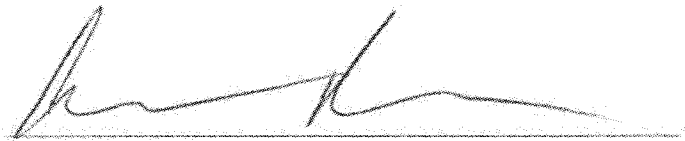
Dated: July 22, 2025




Notary Public
My Commission Expires: 12/30/27

CERTIFICATE OF SERVICE

I certify that a copy of this document was served on all counsel of record by email on
July 22, 2025.

A handwritten signature in black ink, appearing to read 'Aaron D. Rosenberg', written over a horizontal line.

Aaron D. Rosenberg

SCHEDULE A
DEFINITIONS

Unless specifically indicated, or otherwise required by the context in which the terms, names, and instructions are used:

1. **“Document”** or **“documents”** means all written, printed, typed, or other graphic matter; all print-outs and run-offs now, or at any time, in your possession, custody or control, or known to you, whether or not prepared by you. “Document” or “documents” includes, but is not limited to, all correspondence, agreements, memoranda, reports, notes, drafts of documents, internal communications, interoffice communications, telegrams, letters, directives, bulletins, accounts, vouchers, invoices, bills, ledgers, financial statements, analyses, estimates, maps, charts, graphs, drawings, work sheets, minutes, and summaries of meetings, conversations, or communications of any type, including telephone conversations and telephone messages, text messages, electronically stored information, electronic mail, instant messages, and information stored on CD-ROM and/or tape. “Document” or “documents” also include all copies and drafts which are not identical to the original.

2. A **“recording”** means any original or copies, either full or partial, of any responsive audio or video recording, including all metadata associated with such recordings. “Recording” also includes any derivative works or derivative video or audio compilations.

3. The term **“concerning”** means referring to, relating to, describing, evidencing, or constituting.

4. The term **“communication”** means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise) in whatever form, written or verbal or otherwise.

5. **“Representative”** or **“representatives”** used with reference to a person or entity, means (a) any past or present officer, director, partner, associate, employee, servant, agent, subsidiary, affiliate, legal counsel, or any agent of such persons; and (b) any other persons acting on behalf of, or in concert with, such persons, including, without limitation, insurance brokers or agents, auditors, actuaries, and consultants of any type.

6. “**Relate(s) to,**” “**related to,**” or “**relating to**” means to refer to, reflect, concern, pertain to, or in any manner be connected with the matter discussed.

INSTRUCTIONS

1. **Documents Withheld.** If any document is withheld under a claim of privilege or other protection, so as to aid the Court and the parties hereto to determine the validity of the claim of privilege or other protection, please provide the following information with respect to any such documents:

- (a) the identity of the person(s) who prepared the document, who signed it, and over whose name it was sent or issued;
- (b) the identity of the person(s) to whom the document was directed;
- (c) the nature and substance of the document with sufficient particularity to enable the Court and parties hereto to identify the document;
- (d) the date of the document;
- (e) the identity of the person(s) who has custody of, or control over the document and each copy thereof;
- (f) the identify of each person to whom copies of the document were furnished;
- (g) the number of pages;
- (h) the basis on which any privilege or other protection is claimed; and,
- (i) whether any non-privileged or non-protected matter is included in the document.

2. **Partial Production.** If you object to a particular request, or portion thereof, you must produce all documents called for which are not subject to that objection. Similarly, wherever a document is not produced in full, please state with particularity the reason or reasons it is not being produced in full, and describe, to the best of your knowledge, information and belief, and with as much particularity as possible, those portions of the document which are not produced.

3. **Orderly Response.** Wherever it is reasonably practicable, please produce documents in such manner as will facilitate their identification with the particular request or category of requests to which they are responsive.

4. **Construction of "and" and "or".** As used herein, the words "and" and "or" shall be construed both conjunctively and disjunctively, and each shall include the other wherever such dual construction will serve to bring within the scope of these requests and any documents which would otherwise not be brought within its scope.

5. **Construction of the Singular and Plural Forms.** As used herein, the singular form shall include the plural and vice versa whenever such dual construction will serve to bring within the scope of these requests any documents which would otherwise not be brought within its scope.

6. **Format for Production.** For all documents currently stored in electronic format, produce those documents in their electronic, native form with all metadata intact. For example, emails should be produced in .pst format and audio and video recordings should be produced in their native forms with all metadata intact. If you intend to produce documents in a format other than that specified in these instructions, please notify Plaintiff's counsel before making the production.

7. **Supplementation Required.** To the extent you obtain possession, custody, or control of a document that is responsive to these requests after you make your production in response to these requests, you must supplement that initial production with the newly acquired document.

DOCUMENT REQUESTS

1. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, to, from, or concerning

Karen Read, or any of her family members, heirs, assigns, employees, contractors, agents, attorneys, or other representatives.

2. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, concerning the 2021 black Lexus LX 570 SUV leased by Karen Read as of January 28, 2022.

3. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, concerning or referring to the death of John J. O'Keefe, III on or about January 29, 2022.

4. All documents, video or audio recordings, or communications, including but not limited to emails, text messages, and other forms of instant messages, to, from, or concerning John O'Keefe, II, Paul O'Keefe, or Margaret O'Keefe from January 1, 2021 to the present.

5. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, to, from, or concerning Brian Albert, Nicole Albert, Chris Albert, Julie Albert, Colin Albert, Brian Higgins, Jennifer McCabe, Matthew McCabe, Allison McCabe, Kerry Roberts, or any other individual present at 34 Fairview Road, Canton, Massachusetts 02021 on January 28 or January 29, 2022, or any interviews, meetings, conversations, or encounters with any such individuals, from January 1, 2021 to the present.

6. Provide for forensic examination and copying all cellular or smart phones, computers, tablets, smart watches, GPS devices, motor vehicle navigation systems, or other electronic devices that record their location or can facilitate communication of any kind, which you used either personally or professionally at any time from January 1, 2021 through the present.

7. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, to, from, or concerning any member of the Canton Police Department from January 28, 2022 through the present.

8. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, to, from, or concerning any member of the Boston Police Department from January 28, 2022 through the present.

9. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, concerning 34 Fairview Road, Canton, Massachusetts 02021.

10. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, concerning any dog owned, kept, or fostered by any member of the Albert family at 34 Fairview Road, Canton, Massachusetts 02021, from January 1, 2021 to the present.

11. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, concerning any investigation by any federal agency, department, board, administration, office, or agent relating in any way to the death of John J. O'Keefe, III from January 28, 2022 to the present.

12. Any documents, video or audio recordings, or communications, including but not limited to emails, text messages, and other forms of instant messages, concerning any gifts or items received from any member of the Albert, McCabe, Roberts, or Higgins families from January 28, 2022 to the present, including but not limited to copies, photographs, or other representations of any such gifts.

13. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, to, from, or concerning Yuri Bukhenik from January 28, 2022 to the present.

14. All documents, video or audio recordings, and communications concerning any disciplinary investigation, proceeding, decision, action, or appeal concerning your conduct as a Trooper or other rank within the Massachusetts State Police, from January 1, 2021 through the present.

15. All records of any iCloud or other backup data that includes any documents, communications, messages, or other data including metadata that were sent, received, created, edited, stored, copied, altered, or accessed between January 28, 2022 and the present.

EXHIBIT 2

From: [Collins, Jeffrey](#)
To: [Aaron D. Rosenberg](#)
Cc: [Damon M. Seligson](#); [Charles M. Waters](#); [Alan Jackson](#)
Subject: RE: Karen Read -- Presentment to MSP
Date: Tuesday, April 21, 2026 2:05:45 PM
Attachments: [image003.png](#)
[image005.png](#)
[image007.png](#)

Aaron,

I'm not unwilling to confer. Based on your most recent email, we're taking another look at this (it's taking a bit of time due to some personnel turnover), and will get back to you.

Best,
Jeff

Jeffrey T. Collins
Partner



E jcollins@morganbrown.com

P (617) 523-6666 D (617) 788-5024

F (617) 367-3125

28 State Street, 16th Floor, Boston, MA 02109

morganbrown.com

This email and any attachments are confidential, subject to the attorney-client and work product protections and are intended only for the named addressee(s). If you are not a person to whom this e-mail was intended to be addressed, please disregard it and delete it from your computer system, and reply to the sender that you have received the message in error. Any unauthorized dissemination, distribution or copying of this communication is strictly prohibited.

From: Aaron D. Rosenberg <arosenberg@sheehan.com>
Sent: Tuesday, April 21, 2026 1:52 PM
To: Collins, Jeffrey <jcollins@morganbrown.com>
Cc: Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>
Subject: RE: Karen Read -- Presentment to MSP

Jeff – It's been two weeks since, at your urging, I provided the categories of additional documents we believe your client should produce and the more detailed explanation you then requested. You have not indicated whether your client will supplement its production and have not otherwise responded to any of my subsequent emails. I assume this means you're no longer willing to confer further (despite your statements to the contrary below), and we'll proceed to serve our Motion to Compel shortly.

Best,

Aaron

Aaron D. Rosenberg

SHEEHAN PHINNEY

28 State Street, 22nd Floor, Boston, MA 02109

T 617.897.5664

arosenberg@sheehan.com

www.sheehan.com



From: Aaron D. Rosenberg

Sent: Thursday, April 16, 2026 1:18 PM

To: Collins, Jeffrey <jcollins@morganbrown.com>

Cc: Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>

Subject: RE: Karen Read -- Presentment to MSP

Jeff,

Please get back to me. Judge Gildea has urged us a number of times to get motions to compel before him quickly in this case, but I don't want to do that until we know whether your client will agree to produce these additional documents.

Thanks,

Aaron

Aaron D. Rosenberg

SHEEHAN PHINNEY

28 State Street, 22nd Floor, Boston, MA 02109

T 617.897.5664

arosenberg@sheehan.com

www.sheehan.com



From: Aaron D. Rosenberg

Sent: Monday, April 13, 2026 2:53 PM

To: Collins, Jeffrey <jcollins@morganbrown.com>

Cc: Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson

<ajackson@werksmanjackson.com>

Subject: RE: Karen Read -- Presentment to MSP

Jeff,

Please let me know if MSP will agree to produce the additional categories of documents I identified in my April 8th email:

- News e-mails
- Public Record Request and Media Inquiries
- Massachusetts Crime Lab
- Jury Escort

Thanks,

Aaron

Aaron D. Rosenberg

SHEEHAN PHINNEY

28 State Street, 22nd Floor, Boston, MA 02109

T 617.897.5664

arosenberg@sheehan.com

www.sheehan.com



From: Aaron D. Rosenberg

Sent: Wednesday, April 8, 2026 2:32 PM

To: Collins, Jeffrey <jcollins@morganbrown.com>

Cc: Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>

Subject: RE: Karen Read -- Presentment to MSP

The first Request in the subpoena we served on MSP reads: "All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, to, from, or concerning Karen Read, or any of her family members, heirs, assigns, employees, contractors, agents, attorneys, or other representatives." To the extent any emails within the categories listed below concern Karen Read or her trials, they are responsive to this Request.

Request number 4, as amended at your client's request, reads: "All communications, including but not limited to emails, text messages, and other forms of instant messages, concerning or referring to the death of John J. O'Keefe, III on or about January 29, 2022, which were sent to or from, or copied, any of the following: Michael Proctor, Yuri Bukhenik, Brian Tully, or any other State Police trooper, officer, or employee holding the rank of Sergeant or higher." To the extent any emails in the categories listed below concern Mr. O'Keefe's death or the

investigation into it and went to any State Police trooper, officer, or employee, they are responsive to this Request.

Request number 8, as amended at your client's request, reads: "All communications, including but not limited to emails, text messages, and other forms of instant messages, to, from, or concerning Brian Albert, Nicole Albert, Chris Albert, Julie Albert, Colin Albert, Brian Higgins, Jennifer McCabe, Matthew McCabe, Allison McCabe, Kerry Roberts, or any other individual present at 34 Fairview Road, Canton, Massachusetts 02021 on January 28 or January 29, 2022, or any interviews, meetings, conversations, or encounters with any such individuals, from January 1, 2021 to the present, which were sent to or from, or copied, any of the following: Michael Proctor, Yuri Bukhenik, Brian Tully, or any other State Police trooper, officer, or employee holding the rank of Sergeant or higher." To the extent any emails in the categories listed below (including but not limited to news emails, media and public records requests) concern any of the listed individuals and went to any State Police trooper, officer, or employee, they are responsive to this Request.

Request number 12 reads: "All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, concerning 34 Fairview Road, Canton, Massachusetts 02021 from January 1, 2021 through the present." To the extent any emails in the categories listed below concern 34 Fairview Road, they are responsive to this Request.

Request number 14 reads: "All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, concerning any investigation by any federal agency, department, board, administration, office, or agent relating in any way to the death of John J. O'Keefe, III from January 28, 2022 to the present." To the extent any emails in the categories listed below (including but not limited to news emails, media and public records requests) concern any federal investigation relating to Mr. O'Keefe's death, they are responsive to this Request.

Request numbers 16 and 17 read: "All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, to, from, or concerning Michael Proctor (16)/Yuri[y] Bukhenik (17) from January 28, 2022 to the present." To the extent any emails in the categories listed below (including but not limited to news emails, media and public records requests) concern either Mr. Proctor or Mr. Bukhenik, they are responsive to this Request.

Request numbers 18 and 19 read: "All documents and communications concerning any disciplinary investigation, proceeding, decision, action, or appeal concerning Michael Proctor's (18)/Yuri[y] Bukhenik's (19) conduct as a Trooper or other rank within the Massachusetts State Police, from January 1, 2021 through the present." To the extent any emails in the categories listed below (including but not limited to news emails, media and public records requests) concern Mr. Proctor's or Mr. Bukhenik's conduct, they are responsive to this Request.

This is not intended as an exhaustive list. As I said in my email below, we're willing to work with you to reduce the burden on MSP of reviewing each of these emails again to determine responsiveness, but we do believe they need to be produced.

Aaron D. Rosenberg

SHEEHAN PHINNEY

28 State Street, 22nd Floor, Boston, MA 02109

T 617.897.5664

arosenberg@sheehan.com

www.sheehan.com



From: Collins, Jeffrey <jcollins@morganbrown.com>
Sent: Wednesday, April 8, 2026 11:53 AM
To: Aaron D. Rosenberg <arosenberg@sheehan.com>
Cc: Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>
Subject: RE: Karen Read -- Presentment to MSP

Aaron,

Please outline the basis on which you believe the below categories of documents are “responsive to the subpoena.” Provided it is substantive (and not conclusory, as below), my client and I will consider it.

Best,
Jeff

Jeffrey T. Collins
Partner



E: jcollins@morganbrown.com
P (617) 523-6666 D (617) 788-5024
F (617) 367-3125
28 State Street, 16th Floor, Boston, MA 02109
morganbrown.com

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From: Aaron D. Rosenberg <arosenberg@sheehan.com>
Sent: Wednesday, April 8, 2026 9:46 AM
To: Collins, Jeffrey <jcollins@morganbrown.com>
Cc: Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>
Subject: RE: Karen Read -- Presentment to MSP

Hi Jeff,

Thanks for identifying the categories of communications MSP withheld from its production as non-responsive. We believe the following categories of documents (identified in your email) are responsive to the subpoena and discoverable in this matter, and we request that MSP produce them:

- News e-mails
- Public Record Request and Media Inquiries
- Massachusetts Crime Lab
- Jury Escort

We understand that MSP may be concerned about the burden of reviewing additional documents. Therefore, we are willing to accept MSP producing all of the documents in each of these categories without further reviewing them one by one for responsiveness, or otherwise providing a production that may include non-responsive documents in these categories among the responsive ones, if that helps to reduce that burden. Please let me know if MSP agrees to produce these additional documents.

Thanks,

Aaron

Aaron D. Rosenberg

SHEEHAN PHINNEY

28 State Street, 22nd Floor, Boston, MA 02109

T 617.897.5664

arosenberg@sheehan.com

www.sheehan.com



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

Sent: Friday, March 20, 2026 10:13 AM

To: Collins, Jeffrey <jcollins@morganbrown.com>

Cc: Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>

Subject: Re: Karen Read -- Presentment to MSP

On our call you indicated that you were confident that your client had complied with its obligations, that you were reticent of providing the categories below because you were concerned we would have further follow up questions, and urged me to file a motion if we thought we were entitled to more. But in response to your email this morning, I'll gladly propose any requested supplementation to you prior to filing a motion. Thanks.

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

From: Collins, Jeffrey <jcollins@morganbrown.com>
Sent: Friday, March 20, 2026 10:04:54 AM
To: Aaron D. Rosenberg <arosenberg@sheehan.com>
Cc: Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>
Subject: RE: Karen Read -- Presentment to MSP

Aaron,

I've neither seen nor heard from you any proposed basis to reconsider, so I'm not sure how you arrived at this conclusion. I expect that if there's further discussion to be had, you will comply with Rule 9C before filing any motion.

Best,
Jeff

Jeffrey T. Collins
Partner



E: jcollins@morganbrown.com
P (617) 523-6666 D (617) 788-5024
F (617) 367-3125
28 State Street, 16th Floor, Boston, MA 02109
morganbrown.com

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From: Aaron D. Rosenberg <arosenberg@sheehan.com>
Sent: Thursday, March 19, 2026 5:30 PM
To: Collins, Jeffrey <jcollins@morganbrown.com>
Cc: Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>
Subject: RE: Karen Read -- Presentment to MSP

Thank you for clarifying. My understanding from our conversation is that you are not willing to reconsider producing any portion of any of these categories. If we think you should do so, we will include that in our Motion to Compel.

Aaron D. Rosenberg

SHEEHAN PHINNEY

28 State Street, 22nd Floor, Boston, MA 02109

T 617.897.5664

arosenberg@sheehan.com

www.sheehan.com



From: Collins, Jeffrey <jcollins@morganbrown.com>

Sent: Thursday, March 19, 2026 5:26 PM

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

Cc: Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>

Subject: Re: Karen Read -- Presentment to MSP

All documents were reviewed. You have asked this same question at least 3 times, and I have answered it. I don't know how we can be anymore clear.

Jeffrey T. Collins

Partner

Morgan Brown & Joy, LLP

28 State Street, 16th Floor, Boston, MA 02109

E: jcollins@morganbrown.com

P: (617) 788-5024

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

Sent: Thursday, March 19, 2026 5:19:52 PM

To: Collins, Jeffrey <jcollins@morganbrown.com>

Cc: Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>

Subject: RE: Karen Read -- Presentment to MSP

Thank you for this additional information. Did your client review the documents that fall within these categories, or did it exclude them from the production wholesale?

Aaron D. Rosenberg

SHEEHAN PHINNEY

28 State Street, 22nd Floor, Boston, MA 02109

T 617.897.5664

arosenberg@sheehan.com

www.sheehan.com



From: Collins, Jeffrey <jcollins@morganbrown.com>
Sent: Thursday, March 19, 2026 4:28 PM
To: Aaron D. Rosenberg <arosenberg@sheehan.com>
Cc: Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>
Subject: RE: Karen Read -- Presentment to MSP

Aaron,

While there exists no obligation under the Rules, or otherwise, to provide you with the non-responsive document category descriptions you requested, and while MSP has fully cooperated with the subpoena, and answered your questions ad nauseam about the document production, nonetheless, in an abundance of good faith, and in an attempt to quell your heavy, unfounded suspicions that MSP has somehow acted improperly in its subpoena response, below are the category descriptions you requested.

Approximately 28,000 of the 46K+ hits were from the e-mail address: macrimenet@massmail.state.ma.us. This can best be described as a law enforcement advisory e-mail list sent related to announcements of trainings, subject matter experts, a weekly list of detectives assigned throughout the state and BOLOs ("Be on the look out"). Two of the named individuals in the subpoena – Higgins and Albert – were recipients on this e-mail chain.

News e-mails - Approximately 6,000

- Boston Globe, MASsterlist, Boston Herald, New York Time, etc. Daily e-mail summaries of the news that contained news articles related to Read trial and witnesses.

Public Record Request and Media Inquires – Approximately 3,300

- Public records and press questions sent to the Department.

Federal and State Law Enforcement E-mails – Approximately 1,200

- As previously stated, two of the individuals listed in the subpoena was law enforcement officers – Albert (Boston Police) and Higgins (ATF). Both individuals were part of joint state-federal taskforces. So the e-mails contain operations plans for search warrants and undercover buys, correspondence with district attorney's offices and DOJ related to prosecutions and taskforce e-mails related to criminal intelligence and DOJ reports of investigation for criminal investigations.

Massachusetts Fusion Center – Approximately 3,500

- The State Police Fusion Center sends out criminal intelligence and active criminal warrant information to various law enforcement personnel. Albert (Boston PD) was on this e-mail list.

Massachusetts Crime Lab – Approximately 2,500

- The Crime Lab publishes weekly summaries of open cases that involve the crime lab. The Read prosecution – identified as “Death of John O’Keefe” – is included numerous times due the length of the prosecution.

Jury Escort – Approximately 500

- The motorcycle unit of MSP was part of the jury escort for both Read trials.

Miscellaneous e-mails – Approximately 500

- These were e-mail hits that came up for unrelated individuals or topics but shared the same keywords as the subpoena. For example, there is a Jennifer McCabe that works for the Executive Office of House and Living Communities. It is not the same Jennifer McCabe but some of her e-mails to and from were included in the results given the search terms.

Best,
Jeff

Jeffrey T. Collins
Partner



E jcollins@morganbrown.com

P (617) 523-6666 D (617) 788-5024

F (617) 367-3125

28 State Street, 16th Floor, Boston, MA 02109

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

Sent: Wednesday, March 18, 2026 2:47 PM

To: Collins, Jeffrey <jcollins@morganbrown.com>

Cc: Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>

Subject: RE: Karen Read -- Presentment to MSP

Jeff,

Thanks for the time earlier. On the phone, you quickly read through a couple categories of documents that your client identified as containing large amounts of non-responsive material that showed up as hits in their email search. Please send me a short description of each of those categories so that we can better understand why and how your client determined that less than 2% of the non-duplicative hits were responsive.

Thanks,

Aaron

Aaron D. Rosenberg

SHEEHAN PHINNEY

28 State Street, 22nd Floor, Boston, MA 02109

T 617.897.5664

arosenberg@sheehan.com

www.sheehan.com



From: Aaron D. Rosenberg

Sent: Wednesday, March 18, 2026 1:27 PM

To: Collins, Jeffrey <jcollins@morganbrown.com>

Cc: Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanijackson.com>

Subject: RE: Karen Read -- Presentment to MSP

So I take that as a "yes" that MSP reviewed each of the remaining 46,251 non-duplicative emails remaining between January 14th and the end of February. Thanks.

Aaron D. Rosenberg

SHEEHAN PHINNEY

28 State Street, 22nd Floor, Boston, MA 02109

T 617.897.5664

arosenberg@sheehan.com

www.sheehan.com



From: Collins, Jeffrey <jcollins@morganbrown.com>
Sent: Wednesday, March 18, 2026 1:23 PM
To: Aaron D. Rosenberg <arosenberg@sheehan.com>
Cc: Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>
Subject: RE: Karen Read -- Presentment to MSP

Tuesday, March 17, 2026 9:54 AM email ...

From here we de'dupd down to 46,551 emails. ***Of the 46,551 emails reviewed ...*** (emphasis added). Full email reproduced here:

From: Collins, Jeffrey <jcollins@morganbrown.com>
Sent: Tuesday, March 17, 2026 9:54 AM
To: Aaron D. Rosenberg <arosenberg@sheehan.com>
Cc: Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>
Subject: RE: Karen Read -- Presentment to MSP

Aaron,

From the search terms employed, there were 58,092 hits of emails. From here we de'dupd down to 46,551 emails. Of the 46,551 emails reviewed, 435 emails were produced, and 473 emails were withheld based on the NDAO's Rule 45 objection letter that you've referenced.

I am available tomorrow morning between 10 am and Noon for a 9C conference.

Best,
Jeff

Jeffrey T. Collins
Partner



E jcollins@morganbrown.com

P (617) 523-6666 D (617) 788-5024

F (617) 367-3125

28 State Street, 16th Floor, Boston, MA 02109

morganbrown.com

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copying of this communication is strictly prohibited.

From: Aaron D. Rosenberg <arosenberg@sheehan.com>
Sent: Wednesday, March 18, 2026 12:23 PM
To: Collins, Jeffrey <jcollins@morganbrown.com>
Cc: Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>
Subject: RE: Karen Read -- Presentment to MSP

I must have missed where you said whether or not MSP reviewed each of the non-duplicative emails. Where was that answer?

Aaron D. Rosenberg

SHEEHAN PHINNEY

28 State Street, 22nd Floor, Boston, MA 02109
T 617.897.5664
arosenberg@sheehan.com
www.sheehan.com



From: Collins, Jeffrey <jcollins@morganbrown.com>
Sent: Wednesday, March 18, 2026 11:27 AM
To: Aaron D. Rosenberg <arosenberg@sheehan.com>
Cc: Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>
Subject: RE: Karen Read -- Presentment to MSP

I have answered your question. Many of them. Multiple times. Talk to you at 2.

Jeffrey T. Collins
Partner



E jcollins@morganbrown.com
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F (617) 367-3125
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computer system, and reply to the sender that you have received the message in error. Any unauthorized dissemination, distribution or copying of this communication is strictly prohibited.

From: Aaron D. Rosenberg <arosenberg@sheehan.com>
Sent: Wednesday, March 18, 2026 11:19 AM
To: Collins, Jeffrey <jcollins@morganbrown.com>
Cc: Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>
Subject: Re: Karen Read -- Presentment to MSP

You have not responded to my question. Did MSP review each de-duplicated email to determine whether or not it was responsive? I ask because you previously indicated on January 14th that MSP had only reviewed 300, which would have left 46,251 more.

I will call you at 2pm.

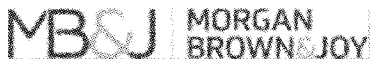
Aaron D. Rosenberg
Sheehan Phinney Bass & Green, PA
(617) 897-5664
arosenberg@sheehan.com

From: Collins, Jeffrey <jcollins@morganbrown.com>
Sent: Wednesday, March 18, 2026 11:14 AM
To: Aaron D. Rosenberg <arosenberg@sheehan.com>
Cc: Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>
Subject: RE: Karen Read -- Presentment to MSP

Aaron,

MSP started reviewing the emails in December. I am available after 1 pm for a 9C conference.

Jeffrey T. Collins
Partner



E jcollins@morganbrown.com

P (617) 523-6666 D (617) 788-5024

F (617) 367-3125

28 State Street, 16th Floor, Boston, MA 02109

morganbrown.com

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copying of this communication is strictly prohibited.

From: Aaron D. Rosenberg <arosenberg@sheehan.com>
Sent: Wednesday, March 18, 2026 9:18 AM
To: Collins, Jeffrey <jcollins@morganbrown.com>
Cc: Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>
Subject: RE: Karen Read -- Presentment to MSP

Jeff – Please confirm whether MSP reviewed each of the de-duplicated 46,551 emails between January 14th and February 28th and determined that only roughly 900 were responsive. Are you still available at 10:30am today?

Aaron D. Rosenberg

SHEEHAN PHINNEY

28 State Street, 22nd Floor, Boston, MA 02109

T 617.897.5664

arosenberg@sheehan.com

www.sheehan.com



From: Aaron D. Rosenberg
Sent: Tuesday, March 17, 2026 10:40 AM
To: 'Collins, Jeffrey' <jcollins@morganbrown.com>
Cc: Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>
Subject: RE: Karen Read -- Presentment to MSP

MSP reviewed each of the de-duplicated 46,551 emails between January 14th and February 28th and determined that only roughly 900 were responsive?

Aaron D. Rosenberg

SHEEHAN PHINNEY

28 State Street, 22nd Floor, Boston, MA 02109

T 617.897.5664

arosenberg@sheehan.com

www.sheehan.com



From: Collins, Jeffrey <jcollins@morganbrown.com>
Sent: Tuesday, March 17, 2026 9:54 AM
To: Aaron D. Rosenberg <arosenberg@sheehan.com>
Cc: Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanijackson.com>
Subject: RE: Karen Read -- Presentment to MSP

Aaron,

From the search terms employed, there were 58,092 hits of emails. From here we de'dupd down to 46,551 emails. Of the 46,551 emails reviewed, 435 emails were produced, and 473 emails were withheld based on the NDAO's Rule 45 objection letter that you've referenced.

I am available tomorrow morning between 10 am and Noon for a 9C conference.

Best,
Jeff

Jeffrey T. Collins
Partner



E jcollins@morganbrown.com

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From: Aaron D. Rosenberg <arosenberg@sheehan.com>
Sent: Monday, March 16, 2026 9:40 AM
To: Collins, Jeffrey <jcollins@morganbrown.com>
Cc: Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanijackson.com>
Subject: RE: Karen Read -- Presentment to MSP

Jeff,

We need to set up a 9C conference. Please let me know your availability tomorrow and Wednesday, and please respond to my question below.

Thanks,

Aaron

Aaron D. Rosenberg

SHEEHAN PHINNEY

28 State Street, 22nd Floor, Boston, MA 02109

T 617.897.5664

arosenberg@sheehan.com

www.sheehan.com



From: Aaron D. Rosenberg

Sent: Friday, March 13, 2026 1:59 PM

To: Collins, Jeffrey <jcollins@morganbrown.com>

Cc: Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanijackson.com>

Subject: RE: Karen Read -- Presentment to MSP

Jeff,

When are you available next Tuesday or Wednesday?

Aaron

Aaron D. Rosenberg

SHEEHAN PHINNEY

28 State Street, 22nd Floor, Boston, MA 02109

T 617.897.5664

arosenberg@sheehan.com

www.sheehan.com



From: Aaron D. Rosenberg
Sent: Tuesday, March 10, 2026 9:47 PM
To: Collins, Jeffrey <jcollins@morganbrown.com>
Cc: Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>
Subject: RE: Karen Read -- Presentment to MSP

Jeff,

Thanks for getting back to me.

There is no misunderstanding on my end. Dan Brunelli at MSP told me in October that, after he and I negotiated narrowed versions of our initial requests, he had received over 58,000 **emails** (not pages) from EOST and was beginning to review them:

From: Brunelli, Daniel (POL) <Daniel.Brunelli@pol.state.ma.us>
Sent: Tuesday, October 14, 2025 9:43 AM
To: Aaron D. Rosenberg <arosenberg@sheehan.com>
Cc: Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>
Subject: RE: O'Keefe v. C&C Hospitality, et al. - Subpoena Response Past Due

Good Morning,

The Executive Office of Security and Technology has conducted an e-mail search pursuant to the search terms listed in subpoena requests #4, 6, 8, 10 and 11. The search resulted in a capture of 58,392 e-mails or an estimated size of 45.2 GB.

Unless I hear differently from you, I will begin the process of going through the e-mails and providing them on a rolling basis.

Dan Brunelli

Staff Counsel
Massachusetts State Police
470 Worcester Rd
Framingham, MA 01702
508-820-2341

The next update I received was from you. On January 14th, you told me twice that MSP had only reviewed around 300 of those documents (not pages). When I recapped this same back and forth between myself and Dan for you, you agreed that your client would “produce the responsive documents by the end of February.” You never suggested that your client planned to do anything other than review the remaining emails and produce the non-privileged and responsive ones. Are you saying below that between January 14th and the end of February, MSP reviewed the remainder of those 58,000+ documents and determined that only around 300 pages (not emails) were responsive and non-privileged, 334 pages (not emails) were privileged, and the remaining 57,400+ emails (not pages) were irrelevant? That seems impossible, but if it is MSP’s position, please explain how MSP reached that conclusion and if it actually reviewed each of those documents to make that determination.

I do think a 9C conference is a good idea regardless of your answer. Please let me know when you are available on Tuesday or Wednesday of next week for a call, and please get back to me in response to this question before we speak.

Thanks,

Aaron

Aaron D. Rosenberg

SHEEHAN PHINNEY

28 State Street, 22nd Floor, Boston, MA 02109

T 617.897.5664

arosenberg@sheehan.com

www.sheehan.com



From: Collins, Jeffrey <jcollins@morganbrown.com>

Sent: Tuesday, March 10, 2026 6:54 PM

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

Cc: Charles M. Waters <cwaters@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>

Subject: RE: Karen Read -- Presentment to MSP

Aaron,

I think there’s a fundamental misunderstanding concerning the initial 53K pages of emails. The 53K pages of emails were not “responsive” to the subpoena. Rather, the search terms employed yielded 53K pages of “hits.” As I believe you know, not all “hits” from search terms yield “responsive” emails. They have to be reviewed and culled for responsiveness and privilege.

With the 53K pages of “hits” from the search terms employed, MSP conducted a review for

responsiveness and privilege. As I'm sure you can appreciate, such a review takes considerable time. From that review, MSP determined that 375 pages of emails were responsive and non-privileged, and these were produced. 334 pages of emails were privileged and withheld on that basis. I can confirm that the withheld emails are those between the NDAO and MSP that are privileged based on the NDAO's Rule 45 objection letter that you reference.

I appreciate your patience as we worked through these issues. Please let me know if you have any questions, or would like to discuss in a Rule 9C conference.

Best,
Jeff

Jeffrey T. Collins
Partner



E jcollins@morganbrown.com

P (617) 523-6666 D (617) 788-5024

F (617) 367-3125

28 State Street, 16th Floor, Boston, MA 02109

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From: Aaron D. Rosenberg <arosenberg@sheehan.com>
Sent: Wednesday, March 4, 2026 2:20 PM
To: Collins, Jeffrey <jcollins@morganbrown.com>
Cc: Charles M. Waters <cwaters@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>
Subject: RE: Karen Read -- Presentment to MSP

Jeff,

I received the package from Dan Brunelli at MSP soon after these emails. However, I looked at what was included and, unless I'm missing something, it is completely insufficient. You and Dan both told me previously (as noted in the attached email) that MSP had identified around 53,000 emails that were responsive to the subpoena we served (after I voluntarily narrowed the scope and worked with Dan to limit the necessary searches). MSP repeatedly used this as an explanation for why it had yet to produce most responsive documents more than six months later, despite not having objected on any basis pursuant to Rule 45. In the drive I just received (now seven months after service) there are approximately 375 pages of emails (which is less than 375 emails). The cover letter Dan included notes that the Norfolk District Attorney's Office (the "NDAO") (not MSP) previously objected to the separate subpoena issued to that office and asserted that communications between the NDAO and MSP constitute work product. Am I understanding correctly that MSP has withheld all emails between the NDAO (and its employees/agents/attorneys/representatives) and MSP (and its

employees/agents/attorneys/representatives) based on the NDAO's Rule 45 objection letter?

Aaron

Aaron D. Rosenberg

SHEEHAN PHINNEY

28 State Street, 22nd Floor, Boston, MA 02109

T 617.897.5664

arosenberg@sheehan.com

www.sheehan.com



From: Collins, Jeffrey <jcollins@morganbrown.com>

Sent: Wednesday, March 4, 2026 1:02 PM

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

Cc: Charles M. Waters <cwaters@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Alan Jackson <ajackson@werksmanijackson.com>

Subject: Re: Karen Read -- Presentment to MSP

That's what I was told and have no reason to believe it's not accurate. Im contacting my client now and will get back to you shortly.

Jeffrey T. Collins

Partner

Morgan Brown & Joy, LLP

28 State Street, 16th Floor, Boston, MA 02109

E: jcollins@morganbrown.com

P: (617) 788-5024

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

Sent: Wednesday, March 4, 2026 12:58:55 PM

To: Collins, Jeffrey <jcollins@morganbrown.com>

Cc: Charles M. Waters <cwaters@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Alan Jackson <ajackson@werksmanijackson.com>

Subject: RE: Karen Read -- Presentment to MSP

Jeff,

We still don't have this drive. Are you sure it was sent out?

Aaron

Aaron D. Rosenberg

SHEEHAN PHINNEY

28 State Street, 22nd Floor, Boston, MA 02109

T 617.897.5664

arosenberg@sheehan.com

www.sheehan.com



From: Collins, Jeffrey <jcollins@morganbrown.com>

Sent: Friday, February 27, 2026 9:27 AM

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

Cc: Charles M. Waters <cwaters@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Alan Jackson <ajackson@werksmanijackson.com>

Subject: RE: Karen Read -- Presentment to MSP

Aaron,

Dan Brunelli at MSP dropped a flash drive in the mail yesterday producing the remaining documents responsive to the 3d party subpoena. So, if doesn't arrive in the mail today, I expect it will be there on Monday.

Thanks,

Jeff

Jeffrey T. Collins

Partner



E jcollins@morganbrown.com

P (617) 523-6666 D (617) 788-5024

F (617) 367-3125

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

Sent: Friday, December 5, 2025 1:44 PM

To: Collins, Jeffrey <jcollins@morganbrown.com>

Cc: Charles M. Waters <cwaters@sheehan.com>; Damon M. Seligson <dseligson@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>

Subject: RE: Karen Read -- Presentment to MSP

Hi Jeff,

I'm following up to see what progress MSP has made in responding to the attached presentment letter. As we discussed previously, all indications are that MSP will deny Ms. Read's claims. If that is the case, we hope MSP will do so quickly so we can proceed without unnecessary delay.

Thanks,

Aaron

Aaron D. Rosenberg

SHEEHAN PHINNEY

28 State Street, 22nd Floor, Boston, MA 02109

T 617.897.5664

arosenberg@sheehan.com

www.sheehan.com



From: Damon M. Seligson <dseligson@sheehan.com>

Sent: Friday, November 21, 2025 4:01 PM

To: Collins, Jeffrey <jcollins@morganbrown.com>

Cc: Aaron D. Rosenberg <arosenberg@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>

Subject: Karen Read -- Presentment to MSP

Hi Jeff, I know you have not been appointed as counsel for the MSP yet, but here's a courtesy copy of the presentment letter sent to the AG by hand and mail today.

Thanks,

Damon

Damon M. Seligson, Esq.
Shareholder

SHEEHAN PHINNEY

28 State Street, Floor 22, Boston, MA 02109

T 617.897.5640 (direct) / 617.897.5600 (main)

www.sheehan.com