

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

**JOINT MOTION TO MEMORIALIZE THE STIPULATION REGARDING THE
PRESERVATION AND EXTRACTION OF CELL PHONES
IN COMMONWEALTH'S CUSTODY**

Defendant Karen Read ("Read") and Plaintiffs respectfully request that the Court endorse as an order the stipulation between them attached as Exhibit 1 concerning Read's cell phones that the Commonwealth seized in 2024 and currently possesses. This stipulation supersedes the order J. Gildea made at the end of the March 6, 2026 hearing and further this stipulation supplements the existing ESI Order between all parties (Doc. No. 86).

Plaintiffs previously filed an Emergency Motion seeking a temporary restraining order preventing Read from receiving her phones back prior to entry of a protocol for those phones to be copied and maintained by a third party. At a hearing on March 6th, Plaintiffs' counsel

withdrew that Motion and the parties agreed to confer regarding an agreed protocol. At the end of such hearing, J. Gildea kept the temporary order in place that “if Ms. Read takes possession of the phone(s), she is ordered to refrain from deleting, overwriting, discarding, or altering any and all communications and data contained on the phone(s).” Since, the parties conferred and agreed to the terms contained in the signed stipulation attached as Exhibit 1.

WHEREFORE, Read and the Plaintiffs respectfully request that the Court endorse the stipulation attached as Exhibit 1.

PLAINTIFFS,
By their attorneys

/s/Marc Diller
Marc Diller (BBO 644997)
DILLER LAW, LLP
50 Congress St., Ste. 420
Boston, MA 02109
(617)523-7771
mdiller@dillerlaw.com

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

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: March 25, 2026

CERTIFICATE OF SERVICE

I certify that I served a copy of this document on all counsel of record by email on March 25, 2026.

/s/ Aaron D. Rosenberg

Aaron D. Rosenberg

EXHIBIT 1

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS.

SUPERIOR COURT DEPT.
C.A. NO. 2483CV00692

PAUL O'KEEFE, INDIVIDUALLY & AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF JOHN
JOSEPH O'KEEFE, III; MARGARET O'KEEFE,
INDIVIDUALLY AND AS GRANDPARENT / GUARDIAN
OF KAYLEY FURBUSH; and JOHN O'KEEFE, II,

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.

STIPULATION BETWEEN DEFENDANT KAREN READ AND PLAINTIFFS

- 1) Whenever the phones seized from Karen Read by State Police in 2024 and held by the Commonwealth since that time are returned to her, they will be turned over to Sheehan Phinney prior to anyone booting the phones, operating or using them. A mutually agreed upon forensic expert will create a Full File System extraction of the phones before either phone is booted, operated or used by anyone (with the exception of the boot required for the extraction to occur.)
- 2) "Full File System extraction" means the most complete extraction which is able to obtain all live files from the device including , but not limited to, evidence of factory reset(s) of the phone(s), system activity, secure messaging (e.g., Signal), deleted records and boot events.
- 3) There will be no unnecessary boot events or device use prior to extraction, but should they be required, the forensic expert will provide full documentation (i.e., take photographs/video) of any activity.
- 4) The device(s) will be maintained in a radio isolated state (i.e., removal of SIM & denying network connectivity) until after the extraction.
- 5) The device(s) will be maintained in a radio isolated state until the extraction(s) are completed.

- 6) The forensic expert will take photographs of each device upon booting - paying specific attention to the timestamp shown on screen. In the alternative, a representative of Plaintiffs will be present to document (including photographs and videos) the extraction process.
- 7) The forensic expert will, at Sheehan Phinney's election, either provide the extractions to Sheehan Phinney or retain them in their entirety at Sheehan Phinney's direction until the conclusion of this litigation and appeal. If such extractions are provided to Sheehan Phinney, Sheehan Phinney will be responsible for preserving them in their entirety until the conclusion of this litigation or appeal.
- 8) The forensic expert and Sheehan Phinney will maintain (and provide as/when required) the hash information of the extractions.
- 9) Absent Court order or agreement of the parties, Plaintiffs will not access, view, hold, or otherwise control the extractions / images or their contents. However, they will remain available in their entirety if needed to comply with Ms. Read's discovery obligations or any Court Order(s).
- 10) The forensic expert may not share anything gathered, created, extracted, or mentioned here with Plaintiffs or anyone else other than Sheehan Phinney, absent an agreement of these parties or a Court Order.
- 11) Plaintiffs will pay all amounts due to the forensic expert for any work done pursuant to this Stipulation. Invoices from the agreed upon forensic expert will be sent from Sheehan Phinney to Plaintiffs for payment and Plaintiffs will be responsible for paying them promptly.
- 12) This protocol supplements the stipulated ESI Protocol as it relates to cell phones.
- 13) Before the forensic expert takes possession of the cell phones, Sheehan Phinney will advise the expert of these terms and have said expert sign same.
- 14) The discoverability of the contents of these full file system extractions will be addressed separately.

Defendant Karen Read By her attorneys /s/ Aaron D. Rosenberg	Plaintiffs By their attorneys /s/ Marc Diller
Damon M. Seligson (BBO#632763) Charles M. Waters (BBO#631425) Aaron D. Rosenberg (BBO#684826) Sheehan Phinney Bass & Green, PA 28 State St., 22d FL Boston, MA 02109 (617)897-5600	Marc Diller (BBO#644997) DILLER LAW, LLP 50 Congress St., Ste. 420 Boston, MA 02109 (617)523-7771

So ordered:

Hon. Mark C. Gildea
Justice of the Superior Court
Dated: