

* After a hearing, the motion for protective order is allowed, in part. Plaintiffs shall not be permitted to depose Janet Read, William Read or Kaitlin Boudreau for a period of 90 days, or, upon the conclusion of the criminal retrial in commonwealth v Read, whichever occurs first.

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

FILED
COMMONWEALTH OF MASSACHUSETTS
SUPERIOR COURT DEPT. OF THE TRIAL COURT
PLYMOUTH COUNTY

MAR 24 2025

[Signature]
Clerk of Court

MOTION FOR PROTECTIVE ORDER POSTPONING THIRD PARTY DEPOSITIONS OF DEFENDANT KAREN READ'S PARENTS AND SISTER-IN-LAW UNTIL AFTER CRIMINAL RETRIAL

Third party subpoena recipients Janet and William Read (the "Reads") and Kaitlin Boudreau ("Boudreau") respectfully request that the Court issue a protective order postponing their depositions in this case until after their daughter and sister-in-law, Karen Read's ("Karen"), criminal retrial on charges based on the same allegations at issue in this case, which is scheduled to begin in less than a month. The Plaintiffs have not taken any depositions in this case. They earlier tried to depose Karen, but the Court stayed all discovery directed to her until after her retrial. Now, weeks before Karen's retrial, Plaintiffs suddenly insist on deposing Karen's parents

– the Reads – and her sister-in-law – Boudreau – who are not parties to the case. They have refused to postpone these depositions until after the retrial without explanation.

The only topics Plaintiffs could want to broach with the Reads and Boudreau are their conversations with Karen about relevant events. The Plaintiffs’ insistent attempt to elicit immediate testimony from Karen’s parents and sister-in-law is a transparent attempt to circumvent the Court’s earlier Order preventing them from taking Karen’s deposition prior to the retrial and use the Rules of Civil Procedure to discover the content of these conversations now for use in the impending criminal proceeding.

No prejudice will result for the Plaintiffs if the Court enters the requested relief. Discovery in this case is open for another seventeen months, and postponing the Reads’ and Boudreau’s depositions until the retrial is complete – which will likely be at the end of May – will have no impact on this case’s schedule and will not disadvantage the Plaintiffs’ ability to formulate or prove their case. Therefore, the Reads and Boudreau respectfully request that the Court allow this Motion and briefly delay these depositions. In further support of this Motion, the Reads and Boudreau rely on the Memorandum of Law filed herewith.

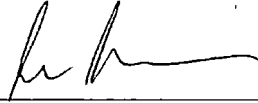
WHEREFORE, the Reads and Boudreau respectfully request that the Court allow this Motion and issue a protective order preventing Plaintiffs from proceeding with the Reads’ and Boudreau’s depositions until after Karen’s criminal retrial is complete.¹

¹ A proposed order to this effect is attached as Exhibit 1.

Respectfully submitted

WILLIAM AND JANET READ, and
KAITLIN BOUDREAU,

By their attorneys,

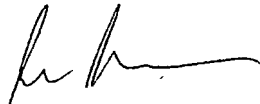


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Dated: March 11, 2025

REQUEST FOR HEARING

The Reads and Boudreau respectfully request a hearing on this Motion, pursuant to Superior Court Rule 9A(c)(2).

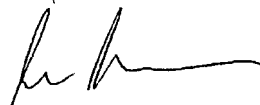


Aaron D. Rosenberg

Dated: March 11, 2025

RULE 9C CERTIFICATION

I certify that, prior to serving this Motion, I conferred with counsel to Plaintiffs by email regarding the relief requested herein. Counsel did not agree to alter the deposition schedule. He did offer to confer further and I plan to do so prior to filing this Motion, pursuant to Superior Court Rule 9C(a). I will supplement this certification with a further certification in the final 9A package.



Aaron D. Rosenberg

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document was served, pursuant Superior Court Rule 9A, upon all parties of record by electronic mail on March 11, 2025.

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

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.

**[PROPOSED] ORDER ON MOTION FOR PROTECTIVE ORDER POSTPONING
THIRD PARTY DEPOSITIONS OF DEFENDANT KAREN READ'S PARENTS
AND SISTER-IN-LAW UNTIL AFTER CRIMINAL RETRIAL**

Third-party subpoena recipients Janet and William Read and Kaitlin Boudreau's Motion for Protective Order Postponing Third Party Depositions of Defendant Karen Read's Parents and Sister-in-Law Until After Criminal Retrial (the "Motion") having come before the Court, and the Court having considered all arguments and facts presented by the parties:

1. The Motion is **ALLOWED**;

2. Plaintiffs shall not be permitted to depose Janet or William Read or Kaitlin Boudreau ~~until after~~ *for a period of 90 days, or upon* the conclusion of the criminal retrial in the action captioned *Commonwealth* v. *Read*, 2282CR00117, Norfolk Superior Court, ~~which is scheduled to begin April 1~~ *whichever comes first.*

DATED:

4/8/25

Paul J. Stice
_____, J.