

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss.

SUPERIOR COURT
C.A. NO. 2483CV00692

PAUL O'KEEFE INDIVIDUALLY AND
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.

ORDER

The following discovery motions, and related pleadings, have been filed ahead of the next scheduled court date of December 19, 2025:

Paper 55	Defendant Karen Read' Motion to Compel Michael Proctor to Produce Documents Pursuant to Subpoenas
Paper 56	Defendant Karen Read' Motion to Compel Norfolk District Attorney's Office to Produce Date in Response to Subpoena
Paper 58	Plaintiffs' Motion to Compel Further Answers to Interrogatories From Defendant Karen Read

The court has also been presented with a pleading entitled "Request to Convert Motion Hearing from Teleconference¹ to In-Person Proceeding" (Paper No. 57) which states:

[T]he Court will have at least three separate Motions to Compel before it, involving numerous parties and nonparties, all of whom are represented by separate counsel. Some of the Motions are interrelated and will likely involve considerable back and forth amongst various attorneys and the Court. Under the circumstances, an in-person hearing will be significantly more helpful to the Court in rendering its decisions on the pending motions.

¹ The scheduled hearing is to be virtual by Zoom.

The court appreciates counsel's concern but hopes to be up to the task at hand.

What would "be significantly more helpful to the Court" is for the attorneys to communicate further to narrow any areas of disagreement before any hearing. A review of the Rule 9A filings in Plaintiffs' Motion to Compel Further Answers from Ms. Read reveal a concerning claimed unwillingness on the part of plaintiffs' counsel to narrow areas of disagreement. Likewise, counsel's claim to "not even know what issues Plaintiffs have with the Supplemental Answer" (despite plaintiffs' memorandum citing to Superior Court Rule 30A (1) (1) (c) (9) and stating clearly what they believe the applicable rules require) appears disingenuous.

As I believe that counsel for all involved have not made sufficient attempts to narrow areas of disagreement,² the virtual hearing scheduled for December 19, 2025 is continued to January 6, 2026 at 11:00 a.m.

It is hoped that the additional time will result in a narrowing of areas of disagreement. Counsel may make any supplemental filings they wish so long as such filings are made on or before January 2, 2026.³ Counsel shall also seek to agree on i) a Protective Order for documents to be produced by the Norfolk District Attorney's Office, and ii) a discovery schedule.

Mark C. Gildea

December 16, 2025

Mark C. Gildea
Justice of the Superior Court

² Acknowledging that counsel on Ms. Read's motion to compel the Norfolk County District Attorney may not be mandated by the rule to confer.

³ If counsel for Ms. Read and the Norfolk District Attorney's Office are unable to narrow any areas of disagreement, Ms. Read's counsel are encouraged to respond to the positions of the Norfolk County District Attorney that the requests in the subpoenas: i) contravene court orders as to the permitted scope of review in pending criminal cases and contravenes orders on privileged information; ii) are not confined to communications sent by the former trooper; iii) the cell phones include material spanning many years, including time that predates his employment as a law enforcement officer; and iv) include personal information unrelated to any civil or criminal matters.

On Plaintiffs' Motion to Compel, Ms. Read's counsel is requested to suggest to the court how to reconcile the position "[t]here is nothing further for the Court to compel." (Paper 58.2, page 5) with the information in the fourth, fifth, and sixth paragraphs on Paper 58.1, page 2.