

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

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

Defendant Karen Read ("Read") respectfully requests that the Court compel the Town of Canton (the "Town") to produce all documents responsive to the subpoena Read served on it over a month ago. That subpoena seeks documents relating to the Canton Police Department's ("CPD") investigation into Sgt. Sean Goode's ("Goode") alleged misconduct, which led to him being placed on administrative leave in late 2025. Read's counsel has been conferring with the Town's counsel in good faith for months about these documents. Initially, the Town's counsel expressly represented that the Town did not possess documents that are responsive to Read's subpoena. But now, months later, the Town acknowledges that it does in fact have documents,

but objects to producing them. However, the Town has not asserted any objection that justifies withholding the requested materials, and its conduct further delays the parties' ability to move this litigation forward. The documents that Read seeks are well within the scope of Rule 26, and the Court should order the Town to comply with Read's subpoena.

ARGUMENT

Read has now served two subpoenas on the Town seeking documents from CPD. Read served the first subpoena on the Town in July 2025, and the Town produced certain CPD documents in response. That response is not being challenged here. However, in the fall of 2025, Read learned that Goode had been suspended from the CPD after Read's acquittal and that the Town was investigating him for alleged misconduct. The Town's investigation into Goode's conduct is relevant here because he was working the night John O'Keefe III ("Mr. O'Keefe") died, answered the 911 call reporting Mr. O'Keefe's death, was one of the first police officers on the scene at 34 Fairview Road, testified at Read's criminal trial, and was a close friend of Michael Proctor ("Proctor"), the lead detective who investigated Read, as well as individuals that were in the house on the property where O'Keefe's body was discovered and their family members. According to media reports, Goode's post-criminal trial suspension was based on his interactions with Proctor.¹

Shortly after learning of Goode's suspension in December, 2025, Read's counsel contacted the Town's counsel to determine whether the Town would produce documents relating

¹ See, e.g., *Canton Police Officers' Alleged Misconduct Stems from Michael Proctor Investigation, I-Team Sources Say*, CBS News, <https://www.cbsnews.com/boston/news/canton-police-sgt-sean-goode-karen-read-trial/>, Nov. 3, 2025; *Canton Police Sgt. Sean Goode suspended for 'misconduct' allegations, as department faces turmoil after Karen Read trial*, Boston Herald, <https://www.bostonherald.com/2025/11/03/canton-police-officer-suspended-for-misconduct-allegations-as-department-faces-turmoil-after-karen-read-trial/>, Nov. 3, 2025.

to its investigation pursuant to Read's first subpoena. In a phone call, the Town's counsel informed Read's counsel that the Town did not have *any* documents relating to the investigation or Goode's alleged misconduct, other than the letter placing him on leave. When Read's counsel repeatedly attempted to confirm that representation in writing over the course of several weeks, the Town's counsel refused to respond.

Later, other attorneys representing the Town informed Read's counsel that the Town may in fact have additional documents related to its investigation, but that the existing subpoena did not specifically cover those documents and that the Town would object to producing them in response to that subpoena.

Read's counsel then served a new, more specific subpoena on February 10, 2026. A copy of that subpoena is attached as **Exhibit A**. In the context of Rule 9C conferences, Read's counsel proposed that the parties discuss a compromise whereby the Town would produce at least some of the relevant documents or produce documents subject to confidentiality restrictions to address the Town's concerns about its ongoing investigation. The Town's counsel represented that he would consider this proposal, but never followed up except to send a standard Rule 45 objection letter, and continued to refuse to produce a single additional document.

As it stands now, the Town objects that Read's requests for documents relating to the investigation into Goode's misconduct are overbroad, that those documents are irrelevant, and that it will not produce documents related to an ongoing internal investigation. The Court should reject the Town's objections.

In this case, Plaintiffs allege, among other things, that Read created a "false narrative" that the police investigation into O'Keefe's death was corrupt, biased, and designed to frame Read. Compl., Doc. No. 1, ¶¶ 52, 126, 134, 142, 160. Goode's conduct is directly relevant to this

issue because he played an important role in the initial response to Mr. O’Keefe’s death and, as a result, Read’s criminal prosecution. He answered the originating 911 call, was one of the first police officers on the scene, and testified at Read’s first criminal trial. Goode was also a close friend of the lead investigator, Michael Proctor, and Goode’s alleged misconduct is reportedly related to his interactions with Proctor. In fact, according to newly-received documents from the Norfolk District Attorney’s Office, Goode and Proctor are close long-time buddies who frequently exchanged vile messages while both served as police officers. Thus, documents related to the Town’s investigation into Goode are relevant to the claims and defenses in this action and discoverable. *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 . . .”).

Moreover, the Town’s assertion that the requested materials relate to an ongoing investigation is not a valid basis for refusing to comply with a subpoena. The Town’s investigation is an internal personnel matter, not a criminal investigation in which disclosure could risk jeopardizing a prosecution. Indeed, the Town’s objection letter does not explain how producing the requested documents could interfere with its ongoing investigation into Goode. Moreover, documents related to internal investigations of police officers are discoverable and must be produced in response to subpoenas. *See, e.g., Boston Police Superior Officers Federation v. Boston*, 414 Mass. 458, 465-67 (1993) (upholding order to produce, in response to subpoena, internal affairs files including complaints against police officers); *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.”); *Sumner-Mack v. City of Cambridge*, No. 99-3284F, 2000 Mass. Super. LEXIS 331, at *5 (Aug. 3, 2000) (“Police internal affairs investigations, however, are not privileged by statute or common law, and the city has not demonstrated that a significant harm would result by disclosure of the material to the plaintiffs and their counsel. The [Internal Affairs Department] documents, therefore, are not exempt from discovery.”). Documents relating to the internal investigation into Goode’s conduct are therefore properly subject to Read’s subpoena. The Court should order the Town to produce them.

CONCLUSION

For the foregoing reasons, Read respectfully requests that the Court order the Town to produce all documents responsive to Read’s February 10, 2026 subpoena within ten (10) days of such order.

Respectfully submitted,

/s/ Aaron D. Rosenberg

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Dated: March 23, 2026

CERTIFICATE OF SERVICE

I certify that I served a copy of this document on all counsel of record by email on March 23, 2026.

/s/ Aaron D. Rosenberg

Aaron D. Rosenberg

EXHIBIT A

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
Canton Police Department
1492 Washington Street
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 **February 23, 2026, 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,

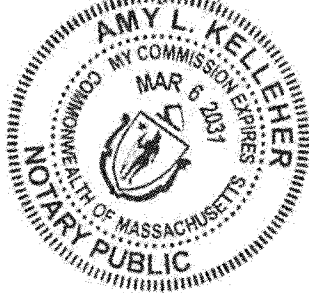
KAREN READ,

By her attorneys,



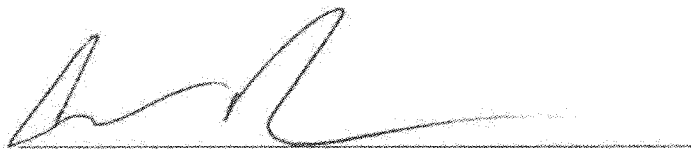
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cwaters@sheehan.com
arosenberg@sheehan.com

Dated: February 10, 2026


Notary Public
My Commission Expires: 3/6/2031

CERTIFICATE OF SERVICE

I certify that a copy of this document was served on all counsel of record by email on February 10, 2026.


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. “**CPD**” means the Canton Police Department and its officers, employees, managers, supervisors, agents, attorneys, and other representatives.

2. “**Town**” means the Town of Canton and its employees, agents, executives, attorneys, and other representatives.

3. “**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.

4. 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.

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

6. 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.

7. **“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.

8. **“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, concerning any disciplinary investigation of Sgt. Sean Goode.

2. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, concerning any report about, complaint concerning, or alleged misconduct committed by Sgt. Sean Goode.

3. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages concerning the CPD's and Town's investigation of alleged misconduct committed by Sgt. Sean Goode, which began in or around the fall of 2025.

4. Documents sufficient to identify the third party or third parties who are conducting the investigation of alleged misconduct committed by Sgt. Sean Goode, which began in or around the fall of 2025.

5. All communications between Sgt. Sean Goode on one hand and Michael Proctor, Kevin Albert, Brian Albert, Nicole Albert, Chris Albert, Julie Albert, Colin Albert, Brian Higgins, Jennifer McCabe, Matthew McCabe, Allison McCabe, or Kerry Roberts on the other, from January 28, 2022 to the present.