

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,

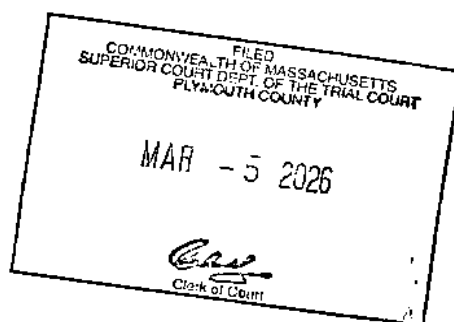
Plaintiffs,

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



**FURTHER REPLY IN SUPPORT OF REQUEST FOR SANCTIONS IN RESPONSE TO
PLAINTIFFS' COUNSEL'S FALSE SUBMISSIONS**

Plaintiffs and their counsel have now tripled down on their original misrepresentations to the Court and make brand new false statements to the Court in the Response they filed at 11:35 a.m. this morning. Mindful of the Court's noon deadline, Read submits this final written submission to address those new misstatements in advance of tomorrow's hearing.

First, Plaintiffs' counsel now states that "[t]he audio, which was included as an exhibit for the Court's own review, was provided in an unaltered format and is anything but unambiguous." Response to Sur-Reply, p. 2. This is demonstrably false. In fact, when Plaintiffs first filed their Emergency Motion and served it on counsel on February 23rd, they filed Exhibit J (the recording in question) along with a portion of the online post it was pulled from:



Affidavit of Sarah A. Shipley, Esq., March 4, 2026, attached as Exhibit 1, ¶¶ 3-7. It was not an accident that the copy of this post Plaintiffs used ended in the middle of the first sentence; the full post states specifically that Ms. Read said “in the mud with Tully – again.” It does not say “I’m dead,” as Plaintiffs so boldly pronounced:

← Post



Sean McDonough, NOT the other guy! 
@Leopardo8



BREAKING: Less than 48 hours after "Turtleboy" Aidan Kearney issued a public denial that he ever recorded a one-party consent call with Karen Read, audio has been obtained which appears to be exactly what Turtle has denied.

****JOE FLIPPERHEAD WAS RIGHT****

The call captures Karen Read, completely dressing Kearney down (very emasculating) for getting her "Brought in the mud with Tully – again" after Ms. Read's cellular devices were seized, based on information provided to the MSP by a female Turtleboy had professed his love for, even going so far as filming himself walking down a dark highway into oncoming traffic, while telling this female how much he loved her.

In the words of President Richard M. Nixon, "I probably should have burned the tapes."

(Highlight added.)

Then, after Read's counsel pointed Plaintiffs' inaccurate quotation out to the Court and Plaintiffs' counsel by letter, and after the Court directed Plaintiffs' counsel to: "deliver to the Clerk of Courts thumb drive(s) containing the information in the links referenced in the exhibits to the motion," Plaintiffs counsel sent exhibits to the Court (without copying Defendants' counsel) and surreptitiously replaced their original Exhibit J with a new version. Specifically, when Read's counsel tried to access the original link to Exhibit J after the Court's Order, the link did not work. When Read's counsel asked Plaintiffs' counsel for a new way to view the exhibit, Plaintiffs' counsel provided it on March 4th, saying only that he had "created a new link and have

pasted it below” and that “[h]opefully, this will fix any issues with the exhibits.” He then confirmed that these same documents had been sent to the Court. A true copy of this email exchange is attached as Exhibit 2. However, the version of Exhibit J that Plaintiffs’ counsel provided to the Court and counsel in response to the Court’s request was different than the version filed with the Court on February 23rd. The new version of Exhibit J appears without the text contained in the original and no longer refers to the damning text Plaintiffs had previously cited, which proves they knew from the outset what Read really said:



Additionally, the new version of Exhibit J plays the same audio at a markedly slower pace than the original version Plaintiffs filed. This is no minor infraction. In fact, it is directly and unambiguously contrary to Plaintiffs’ counsel’s sworn statement in his affidavit that “I provided audio for the Court’s review in the exact form it appeared on the internet and did not alter the sound or format in any way.” Diller Aff., ¶ 14.¹ Plaintiffs tried to sneak past Defendants this new, different exhibit to avoid the fact that the Microsoft transcription of the first, faster

¹ Plaintiffs’ counsel’s statements in paragraphs 21 and 22 of his affidavit are also blatantly false. Counsel for Read has spoken with Attorney Diller on two separate occasions in 9C conferences regarding a preservation protocol. The parties have yet to reach an agreement, in part because Read’s counsel has been forced to spend much time uncovering Plaintiffs’ counsel’s misrepresentations.

version of Exhibit J that Plaintiffs submitted when they first filed their Motion identified Read as saying “again.” *See Shipley Aff.*, ¶¶ 8-10. The slower, second version they surreptitiously submitted without any disclaimer or explanation incorrectly transcribes the word as “dead.” Read’s counsel will be prepared to play each version of Exhibit J that Plaintiffs submitted at tomorrow’s hearing.

Plaintiffs’ counsel then disingenuously argues that the very quote they included in italics at the top of their Emergency Motion and repeated multiple times in their papers, was not actually important. Plaintiffs’ conduct described above suggests otherwise.

Finally, Plaintiffs’ counsel makes a number of statements regarding the Wiretap Statute to attempt to avoid the clear fact that his use of this recording is illegal. First, he feigns ignorance at the fact that this recording was made without Read’s consent. Yet, he describes it as “audio from a phone call between Kearney and Read [that] was leaked.” Emergency Mot., p. 6. And the same tweet Plaintiffs first partially submitted to the Court as Exhibit J to their Emergency Motion (*see supra* p. 4) itself explains that the recording is a “one-party consent call with Karen [Read].” Counsel then argues that he “did not direct Kearney to record Read and had nothing to do with recording the audio call.” Reply to Sur-Reply, p. 3. That’s not what Read alleges. Plaintiffs’ counsel obtained a recording he knew to be made in violation of the statute and repeatedly used multiple versions of it, with the speed altered in each. The statute directly and explicitly prohibits this conduct, and the decisions Plaintiffs cite do not provide a safe harbor. Those decisions, and others like them, relate to admissibility of evidence in civil proceedings, and Read is not (for purposes of this Motion) arguing about admissibility. Those decisions do not hold or establish that using such a recording in the context of a civil lawsuit is legal or that such conduct complies with counsel’s duties pursuant to the Rules of Professional Conduct. *See Bar Counsel v. Cherkas*,

Order of Public Reprimand, Public Reprimand No. 2022-17 (July 29, 2022), attached as Exhibit 3 (issuing public reprimand after attorney “stipulated that her use, in the care and protection matter, of videotapes that she should have known had been illegally obtained violated Mass. R. Prof. C. 8.4(d) (prohibiting conduct prejudicial to the administration of justice); and 8.4(h) (prohibiting other conduct reflecting adversely on lawyer’s fitness to practice)”).

Respectfully submitted,

KAREN READ,

By her attorneys,

/s/ Damon M. Seligson

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sshipley@tangmaravelis.com
mbell@tangmaravelis.com

Dated: March 5, 2026

CERTIFICATE OF SERVICE

I certify that I served a copy of this document on all counsel of record by email on March 5, 2026.

/s/ Damon M. Seligson

Damon M. Seligson

EXHIBIT 1

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss

SUPERIOR COURT
C.A. No.: 2483CV00692

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 & GRIL, LTD d/b/a WATERFALL)
BAR & GRILL; and KAREN READ,)
Defendants.)

AFFIDAVIT OF SARAH A. SHIPLEY

I, Sarah A. Shipley, under oath, depose and state the following:

1. I am a member in good standing of the bar of the Commonwealth of Massachusetts.
2. I represent the defendant, Karen Read, in the above referenced matter.
3. On or about February 23, 2026, counsel for the Plaintiffs served and filed an emergency motion for a temporary restraining order which included certain exhibits.
4. In the motion, counsel for the Plaintiffs indicated that some of the exhibits were in video format and could be accessed by copying and pasting a link into a web browser.
5. On March 2, 2026, I copied the link for "Exhibit J" as provided by counsel for the Plaintiffs and pasted said link into my web browser.
6. I then downloaded the file identified as "Exhibit J" to my computer.

7. Attached hereto is a flash drive which contains a true and accurate copy of the file identified as "Exhibit J" that I downloaded to my computer from the link provided by counsel for the Plaintiffs on March 2, 2026.

8. Additionally, on March 2, 2026, after I copied the link for "Exhibit J" and pasted it into my web browser, I was able to view the subject video in my web browser.

9. On March 2, 2026, in the web browser, in addition to the video, I was able to view a purported transcript of the audio of the subject video.

10. The purported transcript did not indicate that Ms. Read said the phrases "I'm dead" and/or "I'm fucking dead". Instead, the purported transcript referenced Ms. Read saying the word "again".

Signed under the penalties of perjury this 4th day of March, 2026.



Sarah A. Shipley

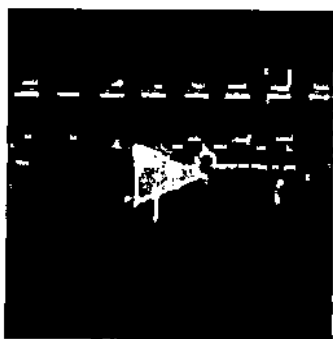
EXHIBIT 2

Aaron D. Rosenberg

From: Daniel Buck <DBuck@dillerlaw.com>
Sent: Wednesday, March 4, 2026 11:28 AM
To: Aaron D. Rosenberg
Cc: Marc Diller; Damon M. Seligson; Charles M. Waters
Subject: RE: Exhibits

The exhibits were provided to the court on a thumb drive per the order we all received on Monday.

DILLER LAW
PERSONAL INJURY LAW



Dan Buck
Managing Attorney

Phone: (617) 431-2423
Email: dbuck@dillerlaw.com
Website: www.dillerlaw.com
Address: 50 Congress St, Suite 420
Boston, MA 02109



From: Aaron D. Rosenberg <arosenberg@sheehan.com>
Sent: Wednesday, March 4, 2026 11:10 AM
To: Daniel Buck <DBuck@dillerlaw.com>
Cc: Marc Diller <MDiller@dillerlaw.com>; Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>
Subject: RE: Exhibits

Have you provided this same link to the Court?

SHEEHAN PHINNEY

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T 617.897.5664
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www.sheehan.com



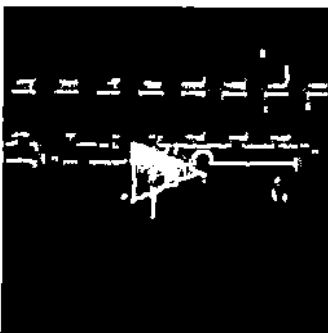
From: Daniel Buck <DBuck@dillerlaw.com>
Sent: Wednesday, March 4, 2026 8:32 AM
To: Aaron D. Rosenberg <arosenberg@sheehan.com>; Marc Diller <MDiller@dillerlaw.com>
Cc: Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>
Subject: RE: Exhibits

Aaron,

I created a new link and have pasted it below. Hopefully, this will fix any issues with the exhibits.

☐ Exhibits - Plaintiffs' Motion for Restraining Order

Dan



Dan Buck
Managing Attorney

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Email: dbuck@dillerlaw.com
Website: www.dillerlaw.com
Address: 50 Congress St, Suite 420
Boston, MA 02109



From: Aaron D. Rosenberg <arosenberg@sheehan.com>
Sent: Tuesday, March 3, 2026 6:56 PM
To: Marc Diller <MDiller@dillerlaw.com>; Daniel Buck <DBuck@dillerlaw.com>
Cc: Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>
Subject: Exhibits

Marc/Dan,

The links to the video exhibits to your Emergency Motion for TRO are not working for me, like the Court. Will you please resend them with a new link?

Thanks,

Aaron

Aaron D. Rosenberg
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arosenberg@sheehan.com

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

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This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

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This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

EXHIBIT 3

LEIGH CHERKAS

BBO # 555896

**Order (Public Reprimand) entered by the Massachusetts Board of Bar Overseers of the
Supreme Judicial Court on July 29, 2022.**

SUMMARY¹

In February 2017, the respondent was appointed to represent “MW”, a minor, in an ongoing care and protection matter pending in the Hampden County Juvenile Court. In March 2017, the Department of Children & Families (“DCF”) was awarded temporary custody of MW. MW was removed from her biological mother and placed in a foster home. In November 2018, an attorney was appointed to represent the biological mother.

The biological mother sought to regain custody of MW or to have MW’s great-aunt adopt MW. The respondent, on behalf of MW, opposed the biological mother’s attempts at reunification or adoption by the great-aunt. The respondent instead supported the foster mother’s attempt to adopt MW. Consequently, MW’s care and protection case was highly contentious.

On a number of occasions between May and July 2020, the foster mother videotaped portions of supervised virtual visits between MW and her biological mother and great-aunt. The videotapes recorded the oral communication of the biological mother, the great-aunt and the DCF social worker supervising the visits without their knowledge or consent. The foster mother sent the videos to the respondent, who then forwarded them to a clinical psychologist. The clinical psychologist watched and listened to the videos and documented her observations in a report.

After the respondent filed the clinical psychologist’s report with the court, the biological mother filed a motion accusing the respondent of violating the Massachusetts wiretap statute, G.L. c. 272, § 99, and seeking leave to call the respondent as a witness. The court subsequently allowed the respondent’s motion to withdraw from the case.

The respondent stipulated that her use, in the care and protection matter, of videotapes that she should have known had been illegally obtained violated Mass. R. Prof. C. 8.4(d) (prohibiting conduct prejudicial to the administration of justice); and 8.4(h) (prohibiting other conduct reflecting adversely on lawyer’s fitness to practice).

The parties’ stipulation to the imposition of a public reprimand came before the Board at its meeting on July 12, 2022, where the Board voted to accept the stipulation and to issue an order of public reprimand. The Board issued the reprimand on July 29, 2022.

¹ Compiled by the Massachusetts Board of Bar Overseers’ Office of Bar Counsel based on the record of proceedings before the board.