

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,

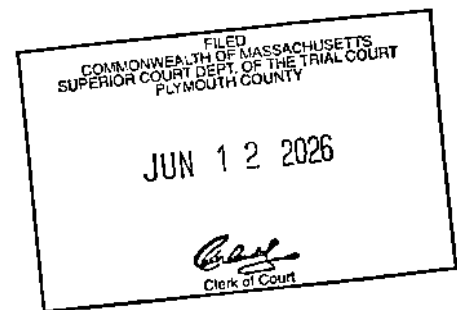
Plaintiffs,

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 COLIN ALBERT TO ATTEND DEPOSITION AND
PRODUCE DOCUMENTS PURSUANT TO THIRD-PARTY SUBPOENA**

Defendant Karen Read respectfully requests that the Court compel Colin Albert ("Colin") to attend deposition and produce responsive documents pursuant to a validly issued subpoena. As detailed in the attached emails, what were normal communications between counsel of a subpoenaing party (Ms. Read) and non-party witness (Colin) devolved into another episode of gamesmanship. Unfortunately, the Court now needs to step in.

Background Facts

Colin Albert Has Relevant Information Pursuant to Mass. R. Civ. P. 26

Colin Albert was at 34 Fairview Road (“House”) the night John O’Keefe died. He had a history of violent tendencies and, specifically, he and Mr. O’Keefe had a series of prior disputes. On the night Mr. O’Keefe died at the House, Colin had been drinking alcohol with his friends, and that drinking party continued at the House late-night. The exact time Colin left the House is a heavily disputed fact in this case. Regardless, however, when Mr. O’Keefe arrived at the House around 12:30 a.m. on January 29, 2022, the medical evidence demonstrates conclusively that he was beaten up, punched in the face, and knocked backwards sustaining a fatal wound to the back of his head.

In the immediate aftermath, those individuals in the House (referred to as “House Defendants” in Ms. Read’s federal court action) attempted to cover up their role in Mr. O’Keefe’s death. For Colin’s part, he claims he left prior to Mr. O’Keefe’s death, and was picked up from the House by his “best friend” Allie McCabe and driven straight home. However, the timing of his arrival at home is inconsistent with when he claims he departed the House. Moreover, in a photograph taken shortly after January 29, 2022, Colin had scabs on his knuckles of his dominant hand that one would expect to see as a result of a fist fight.

Additionally, Colin is tightly connected both to the House Defendants, and the lead investigator for the Massachusetts State Police (“MSP”) in the death of Mr. O’Keefe. Specifically, Colin is the nephew of Brian Albert, who owns the House. Allie McCabe is the daughter of House Defendants Jennifer and Matthew McCabe. Brian Albert, and Jennifer and Matthew McCabe were all at the House when Mr. O’Keefe died. Colin was also close family friends with Michael Proctor, the conflicted and corrupt MSP investigator that refused to

investigate the House Defendants and attempted instead to “pin it on the girl [Ms. Read].” Not only was Colin at Proctor’s sister’s wedding, he was in Proctor’s sister’s wedding party. Proctor’s mother circulated a public Facebook post in October of 2019, declaring the Alberts are “the Proctor’s [sic] second family” and includes a photo of Colin Albert and his parents. Among a mountain of evidence demonstrating that Proctor attempted to unlawfully protect those in the House, Proctor’s written notes he took early in the investigation show he knew Colin was in the House that night, but when he prepared his “official” report, he omitted Colin’s name to hide his involvement that night.

Despite being present at the House after midnight on January 29, 2022, Colin was not interviewed by the MSP until July 18, 2023. In a report of the interview, Proctor writes that Colin was picked up shortly after midnight by Allie McCabe, revealing, for the first time, the presence of yet another witness, Allie, and another vehicle (hers) outside the House that was never investigated. Despite this “new” information, Proctor failed to confirm Colin’s statements by seizing his cell phone (or Allie’s) or pulling carrier records. He just took Colin’s word for it – or rather, took his father Chris Albert’s word for it.

On September 1, 2023, Trooper Yuriy Bukhenik authored a six-sentence report stating that he had contacted Colin “in an attempt to have him turn over text messages he had captured screenshots of, between Allie McCabe and himself on January 29, 2022.” There is no report memorializing what prompted Bukhenik to call Colin, how Bukhenik had obtained Colin’s phone number, or how he became aware that Colin was suddenly in possession of text message evidence.

In his report, Bukhenik goes on to say that he contacted Chris Albert because Chris (not Colin) was in possession of screenshots of Colin’s and Allie’s text messages. These messages

were shared by the NDAO as mere cut-and-pastes of screenshots of texts into a .pdf document. They contain no metadata to confirm their accuracy nor is there any audit trail of when and how Chris Albert came into possession of Colin's messages. These texts, their origin, and most importantly – their metadata - help prove the whereabouts of relevant witnesses on January 29 as well as communications among the Alberts, Proctor, and Bukhenik that are not otherwise memorialized. Not only did MSP investigators fail to seize Colin's phone, they failed to seize Chris Albert's or Allie McCabe's phones and merely relied on screenshots of supposed messages passed from witness to witness without any authentication.

Data downloaded from the Life360 application on Jennifer McCabe's phone shows timestamped notifications of Allie McCabe's arrivals and departures from addresses throughout the early morning hours of January 29. Not only does the Life360 data prove that Allie McCabe did not travel straight home after dropping off Colin, as she told Bukhenik in an August 25, 2023 interview, more importantly the data shows *no* evidence of an arrival or a departure from 34 Fairview *or* Colin's house at any time on January 29. Allie also could not tell MSP investigators how she knew Colin was at the House on January 29 and no communication from Colin relaying his location to Allie is included in the screenshots of their text messages.

For these reasons (and more), Colin has relevant information about what happened the night of January 29, 2022, his communications with the House Defendants and others concerning Mr. O'Keefe's death, and Proctor's investigation. Indeed, his role was so important to the Commonwealth, that it called him as a witness in Ms. Read's first criminal trial.

Ms. Read's Attorney Served Subpoena upon Colin, and then Attempted in Good Faith to Narrow the Scope of that Subpoena After Objection

On February 11, 2026, Ms. Read's attorney properly served a notice of taking deposition of Colin for April 29. *See* Notice of Taking Deposition, attached hereto as *Exhibit A*. On April

21, Ms. Read's attorney also properly served a subpoena upon Colin. *See* Subpoena, attached hereto as *Exhibit B* (including affidavit of service). The subpoena required Colin to attend a deposition and bring with him documents related to the case. Specifically, the subpoena required production of documents in Colin's possession related to the MSP investigation, Ms. Read's criminal and civil cases, and his communication with the MSP investigators, the "House Defendants," and others directly associated with the case.

On April 27, the attorneys who represent the House Defendants identified that they were representing Colin, and served a Rule 45 objection upon Ms. Read's counsel, including objecting to the scope of the requests for the production of documents. *See* April 27 email (including Rule 45 objection), attached hereto as *Exhibit C*. One of counsel's primary objections was the "scope" of the request for communications with his parents from January 29, 2022 to the present.

However, Colin's counsel did not claim that the subpoena was "ineffective."

That same day, April 27, Ms. Read's counsel requested a Superior Court Rule 9C conference relating to the objections, wrote that "it makes sense to take Colin Albert's deposition after documents are produced," and agreed to "reschedule" the deposition so they could address the objection. *See* Emails, attached hereto as *Exhibit D*. Ms. Read's counsel did not "withdraw" the subpoena or "cancel" the deposition. And, Colin's counsel did not take the position that the subpoena was "ineffective."

Rather, on April 28 counsel for Ms. Read and Colin conducted a 9C conference to narrow the dispute concerning the requests for documents. *See id.* During that conference, Colin's counsel did not take the position that the subpoena was "ineffective," nor did Ms. Read's counsel "withdraw" the subpoena or "cancel" the deposition. But they did discuss the possibility of narrowing the scope of the subpoena.

As a result of that conference, the very next day, April 29, Ms. Read's counsel provided a proposed narrowing of the subpoena's requested documents, specifically addressing the main concern which was Colin's communications with his parents. *See id.* and attachment. Specifically, Ms. Read proposed to narrow that request to a four-month period immediately following Mr. O'Keefe's death, and counsel asked for a response to the proposal. *See id.*

Rather Than Respond in Good Faith, Colin's Counsel Began Efforts to Thwart the Subpoena Entirely

For three weeks, Colin's attorney entirely ignored Ms. Read's April 29 request for a response to the narrowing of the subpoena. Ms. Read's counsel then reached out again on May 19, specifically asking for a response to the narrowing, the production of responsive documents, and deposition dates in June. *See* Emails, attached hereto as *Exhibit E*.

On May 20, Colin's counsel wrote that Ms. Read's proposed narrowing was still "not appropriately scoped," but did not address which paragraphs, what documents would be produced, or any deposition dates. *See id.* Colin's counsel did not take the position that the subpoena was "ineffective." In response, on May 20, Ms. Read's counsel inquired about which paragraphs were not "appropriately scoped," and asked again for deposition dates in June. *See id.*

At 10:00 p.m. on May 20, Colin's counsel wrote that they had conducted "a reasonable search," but that they were "unwilling to produce" any responsive documents. Worse, Colin's counsel stated for the first time that Colin would be "out of town indefinitely" "after June 2" and would only be available on "May 28, May 29." Again, notably, Colin's counsel did not take the position that the subpoena was "ineffective." *See id.*

On May 21, in response, Ms. Read's counsel advised that he would be "out of state" on May 28 and May 29, and inquired about dates in June, why Colin couldn't come back for any

dates in June, and why notice wasn't given before 10:00 p.m. on May 20 that Colin would suddenly be gone "indefinitely." *See id.* He also asked more questions about the "reasonable search" conducted for the documents, and what responsive documents they had for each category that they were contending was unduly burdensome and overly broad. *See id.* Colin's counsel did not respond on May 21.

Rather, the very next day, and after Ms. Read's counsel advised that he was "out of state" on May 28, Plaintiff's counsel sent an email on Friday afternoon of Memorial Day weekend (May 23) stating that he had communicated with Colin's counsel, that Colin's counsel had "accepted" a subpoena for Colin's deposition for May 28, that he intended to proceed with a deposition on that date, and then attempted to serve an invalid Notice of Taking Deposition among the parties.¹ *See* Email, attached hereto as *Exhibit F* and attachment. This was obviously a coordinated effort between Colin's counsel and Plaintiff counsel to interfere with Ms. Read's subpoena and the Superior Court Rule 9C process.

Per their plan, an hour after Plaintiff's counsel's email, Colin's counsel then responded to Ms. Read's counsel's May 21 email and took the position, for the first time, that Ms. Read's subpoena was now "ineffective." *See* Email, attached hereto as *Exhibit G*. He did not explain why the change in position, or what occurred between May 21 and May 22 that suddenly made it "ineffective." Additionally, he refused to provide any dates in June, explain why Colin could not come back for a deposition after June 2, nor describe what "reasonable search" he had conducted or what documents he obtained related to that search. He did, however, re-confirm that Colin did not intend to produce any responsive documents.

¹ Mass. R. Civ. P. 30 requires that a party intending to take a deposition serve a Notice of Taking Deposition on all parties seven (7) days in advance of the deposition. Here, Plaintiff failed to comply with the Rule's strict guidelines and, therefore, a valid deposition cannot proceed. Indeed, this is the exact type of gamesmanship proscribed by courts and practitioners everywhere.

Argument

The argument here can be brief. As described above, Colin is a relevant witness in this case. Ms. Read properly served a subpoena upon him, and properly noticed his deposition among the parties. Colin asserted an objection to that subpoena, and the parties then began negotiating the scope of the documents requests.

On May 21, when pressed on deposition dates, the “reasonable search” they conducted, and responsive documents Colin had in his possession, suddenly, Colin’s counsel’s position changed and they unilaterally declared the subpoena “ineffective.” The subpoena is not “ineffective,” and the Court should compel Colin to comply with it. Regarding his attendance at deposition, the Court should order his counsel to provide 5 dates in June and July (other than June 25 - July 3) for his deposition, from which Ms. Read’s counsel will choose one.

As for the scope of the requested documents, Ms. Read’s proposed narrowing is appropriate. Specifically, it seeks documents in Colin’s possession relating to Ms. Read, Mr. O’Keefe, the “Investigation,” “Criminal Trial,” and “Civil Actions,” (all defined terms). It also requests communications from a list of individuals all directly related to this matter. The one specific area about which Colin’s counsel raised a concern during the Superior Court Rule 9C conference was communications with Colin’s parents, who were coordinating Colin’s actions in the aftermath of Mr. O’Keefe’s death and serving as a conduit between Colin and the Massachusetts State Police investigators. But, as a compromise, Ms. Read proposed to narrow the period to just a four-month period immediately after Mr. O’Keefe’s death. That too is appropriate, and the Court should order the production of all responsive documents within five days of its order.

On the other hand, Colin's counsel's communication on May 22 is quite revealing in its refusal to explain anything about the "reasonable search" that they claim they did and what responsive documents they have. Indeed, they intentionally obscure addressing the responsive document they've found, despite making arguments about overly broad or unduly burdensome. For example, if there exist 100 text messages in responsive to the subpoena, that's not overly broad or unduly burdensome. But they refused to provide that critical information. Rather, when pressed, they suddenly called the subpoena "ineffective" and then peddled the May 28 date to Plaintiff's counsel once they knew Ms. Read's counsel who has prepared for this deposition will be "out of state."

The Court should not countenance this type of conduct.

Respectfully submitted,

KAREN READ,

By her attorneys,

/s/ Charles M. Waters

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Charles M. Waters (BBO# 631425)
Aaron D. Rosenberg (BBO# 684826)
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elittle@werksmanjackson.com

Dated: May 26, 2026

CERTIFICATE OF SERVICE

I certify that I served a copy of this document on all counsel of record by email on May 26, 2026.

/s/ Charles M. Waters

Charles M. Waters

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,

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

NOTICE OF DEPOSITION

Please take notice that at 10:00 a.m. on April 29, 2026, Defendant Karen Read, by her attorneys, will take the deposition of Colin Albert, pursuant to the applicable Rules of Civil Procedure, at the offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, MA 02109, before a Notary Public, or before some other officer authorized by law to administer oaths. The deposition will continue day to day as necessary and will be recorded stenographically and by audio visual means.

You are invited to attend and cross-examine.

Respectfully submitted,

KAREN READ,

By her attorneys,



Damon M. Seligson (BBO# 632763)
Charles M. Waters (BBO# 631425)
Aaron D. Rosenberg (BBO# 684826)
Sheehan Phinney Bass & Green, PA
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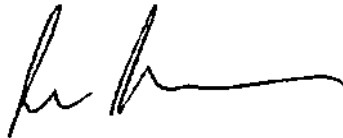
/s/ Arthur E. Maravelis

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amaravelis@tangmaravelis.com
ttang@tangmaravelis.com
sshipley@tangmaravelis.com
mbell@tangmaravelis.com

Dated: February 11, 2026

CERTIFICATE OF SERVICE

I certify that a copy of this document was served on all counsel of record by email on February 11, 2026.



Aaron D. Rosenberg

Exhibit B

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

SUBPOENA DUCES TECUM

To: Colin Albert
22 Maple St.
Canton, MA 02021

GREETINGS, YOU HEREBY ARE COMMANDED, in the name of the
Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts
Rules of Civil Procedure, to appear and testify on behalf of Defendant Karen Read, at the offices
of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston, Massachusetts, on
April 29, 2026, at 10:00 a.m., and to testify as to your knowledge, at the taking of the deposition

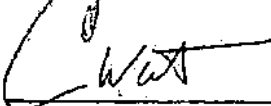
in the above-entitled action, before a Notary Public in and for the Commonwealth of
Massachusetts.

FURTHERMORE, you are required to produce the documents listed in the Schedule A
attached hereto by April 27, 2026 at 12:00 p.m.

Respectfully submitted,

KAREN READ,

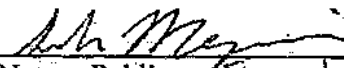
By her attorneys,



Damon M. Seligson (BBO# 632763)
Charles M. Waters (BBO# 631425)
Aaron D. Rosenberg (BBO# 684826)
Sheehan Phinney Bass & Green, PA
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Boston, MA 02109
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dseligson@sheehan.com
cwaters@sheehan.com
arosenberg@sheehan.com

Dated: April 15, 2026




Notary Public Sarah E. Margerison
My Commission Expires: 12/24/2032

DEFINITIONS

Unless specifically indicated, or otherwise required by the context in which the terms, names, and instructions are used:

1. **"Karen Read"** means Defendant Karen Read, her agents, attorneys, and other representatives.
2. **"John O'Keefe"** means John J. O'Keefe III, his agents, attorneys, and other representatives.
3. **"Michael Proctor"** means former Massachusetts State Police Trooper Michael Proctor, his agents, attorneys, and other representatives.
4. **"Chris Albert," "Julie Albert," "Brian Higgins," "Brian Albert," "Nicole Albert," "Matthew McCabe," "Jennifer McCabe," "Courtney Elburg," "Kerry Roberts," "Brian Albert, Jr.," "Paul O'Keefe," "Kevin Albert," and "Allie McCabe"** means these individuals and their agents, attorneys, and other representatives.
5. **"Investigation"** means any investigation concerning the death of John O'Keefe conducted by the Massachusetts State Police, Town of Canton Police Department, Norfolk District Attorney's Office, and/or any other law enforcement agency.
6. **"Criminal Trials"** means the two criminal trials conducted in the case *Commonwealth v. Karen Read*, Norfolk Superior Court, Civil Action No. 2282CR00117.
7. **"Civil Actions"** means the above captioned action *Paul O'Keefe et al. v. Karen Read et al.*, Plymouth Superior Court, Civil Action No. 2483cv00692, and *Karen Read v. Michael Proctor et al.*, United States District Court, District of Massachusetts, Civil Action No. 1:25-cv-13588-DJC.
8. **"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.

9. 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.

10. The term "**concerning**" means referring to, relating to, describing, evidencing, or constituting.

11. 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.

12. "**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.

13. "**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.

SCHEDULE A

Colin Albert is required to produce by April 27, 2026 at 12:00 p.m. the following documents:

- A. All documents, including communications, relating to Karen Read;
- B. All documents, including communications, relating to John O'Keefe;
- C. All documents, including communications, relating to Michael Proctor;
- D. All documents, including communications, relating to the Investigation;
- E. All documents, including communications, relating to the Criminal Trials;
- F. All documents, including communications, relating to the Civil Actions;
- G. All communications with Michael Proctor;
- H. All communications with John O'Keefe;
- I. All communications with Paul O'Keefe;
- J. All communications from January 28, 2022 to the present with:
 - a. Chris Albert;
 - b. Julie Albert;
 - c. Courtney Elburg;
 - d. Kerry Roberts;
 - e. Brian Higgins;
 - f. Brian Albert;
 - g. Nicole Albert;
 - h. Matthew McCabe;
 - i. Jennifer McCabe;
 - j. Allie McCabe;
 - k. Brian Albert, Jr.; and/or
 - l. Yuriy Bukhenik.

AFFIDAVIT OF SERVICE

Case: 2483CV00692	Court: Plymouth County Superior Court	County: Plymouth, MA	Job: 15715876
Plaintiff / Petitioner: Paul O'Keefe, et al		Defendant / Respondent: C&C Hospitality, LLC, et al	
Received by: All State Constables		For: Sheehan Phinney	
To be served upon: Colin Albert			

I, Brian Silva, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name / Address: Colin Albert, 22 Maple Street Unit L, Canton, MA 02021

Manner of Service: Posted, Apr 21, 2026, 12:10 pm EDT

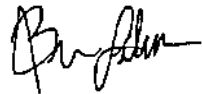
Documents: Subpoena Duces Tecum with a \$10.00 Witness Fee

Additional Comments:

1) Successful Attempt: Apr 21, 2026, 12:10 pm EDT at 22 Maple Street Unit L, Canton, MA 02021

Served by leaving copies thereof at the last and usual place of residence. A copy was then mailed via first class mailing to each named party on the same day.

Fees: \$75.00



04/21/2026

Brian Silva

Date

All State Constables
7 Cabot Pl Suite 3
Stoughton, MA 02072
7817751520

Exhibit C

From: [Murphy, Kieran T.](#)
To: [Aaron D. Rosenberg](#)
Cc: [Damon M. Sellison](#); [Charles M. Waters](#); [Tuxbury, James L.](#); [Fish, Jr., William S.](#); [Christopher Mattei](#); [Rence Mihail](#)
Subject: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - Colin Albert Subpoena Responses
Date: Monday, April 27, 2026 11:24:28 AM
Attachments: [Colin Albert Subpoena - Responses and Objections.pdf](#)

Aaron—

Attached please find non-party Colin Albert's responses and objections to the subpoena duces tecum that was served on him on April 21, 2026.

Regards,
Kieran

Kieran T. Murphy
Associate

Hinckley Allen
30 South Pearl Street, Suite 1101
Albany, NY 12207-3492
p: 518-396-3143 | c: 860-936-5622
KMurphy@hinckleyallen.com

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss.

SUPERIOR COURT DEPARTMENT
CIVIL ACTION 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 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.)
_____)

**NON-PARTY COLIN ALBERT'S OBJECTIONS & RESPONSES TO
DEFENDANT KAREN READ'S SUBPOENA DUCES TECUM**

Pursuant to Massachusetts Rule of Civil Procedure 45, non-party Colin Albert ("Mr. Albert"), by his attorneys, hereby make these objections and responses to Defendant Karen Read's ("Ms. Read") Subpoena Duces Tecum (the "Subpoena"), served on Mr. Albert on April 21, 2026. Mr. Albert reserves the right to amend and/or supplement his responses to the Subpoena as this litigation proceeds.

GENERAL OBJECTIONS

As a general response to all categories of documents and written communications sought in the Subpoena (the "Requests"), Mr. Albert responds and objects as follows:

1. Mr. Albert objects to the Requests since they fail to comply with the notice requirements outlined in Mass. R. Civ. P. 45(d)(1) ("A subpoena upon a party which commands

the production of documents, electronically stored information, or things must give the party at least 30 days for compliance after service thereof.”).

2. Mr. Albert objects to the Requests to the extent they seek information that is subject to the attorney-client privilege, work product doctrine, joint defense or common enterprise privilege, or other privilege on the ground that it is exempt from discovery.

3. Mr. Albert objects to the Requests to the extent they seek information that is not within the possession, custody, or control of Mr. Albert.

4. Mr. Albert objects to the Requests to the extent they seek information that is unreasonably cumulative or duplicative or is obtainable from some other source that is more convenient, less burdensome, or less expensive.

5. Mr. Albert objects to the Requests insofar as they seek to impose upon him burdens and obligations different from those required under the Massachusetts Rules of Civil Procedure.

6. Mr. Albert objects to the Requests to the extent they are vague, ambiguous, overly broad, and not identified with reasonable particularity.

7. Mr. Albert objects to the Requests to the extent they seek information constituting or containing trade secrets, confidential, and/or proprietary business information.

8. Mr. Albert objects to the Requests to the extent that they purport to require him to provide information that is publicly available and/or already in Ms. Read’s possession, custody, or control.

9. Mr. Albert object to the Requests to the extent that they purport to impose a duty on Mr. Albert to seek information or documents through something other than a reasonable search of files where potentially responsive materials or information reasonably would be expected to be found.

10. Mr. Albert object to the Requests to the extent that they call for production of “all” “any” “each” or “every” document as overly broad and unduly burdensome and fails to describe the documents sought with reasonable particularity.

11. Nothing herein shall be construed as an admission by Mr. Albert as to relevancy or admissibility at the trial of this matter of any information that he may produce in response to Ms. Read’s Requests or any information contained in any of these responses.

12. Mr. Albert does not waive any of his general or particular objections in the event he furnishes information or documents coming within the scope of any such objections.

13. Mr. Albert objects to the timeframe of these Requests as overly burdensome and not likely to obtain relevant information.

SPECIFIC OBJECTIONS AND RESPONSES

REQUEST A:

All documents, including communications, relating to Karen Read.

RESPONSE TO REQUEST A:

Mr. Albert objects to this Request on the grounds that it fails to supply him with adequate time to respond, in violation of Mass. R. Civ. P. 45(d)(1), having only been served on him six (6) days prior to the return date. Mr. Albert further objects to this Request on the grounds that it is overly broad, unduly burdensome, vague, ambiguous, and seeks documents and information that is neither relevant nor reasonably likely to lead to the discovery of admissible evidence. Mr. Albert further objects to this Request to the extent that it seeks documents that are protected from discovery by the attorney/client privilege, the work product doctrine, and/or any other privilege cognizable at law. Mr. Albert further objects to this Request to the extent that it seeks documents and information already in Ms. Read’s possession, custody, and control.

Based on the foregoing objections, Mr. Albert will not produce documents in response to Request A.

REQUEST B:

All documents, including communications, relating to John O'Keefe.

RESPONSE TO REQUEST B:

Mr. Albert objects to this Request on the grounds that it fails to supply him with adequate time to respond, in violation of Mass. R. Civ. P. 45(d)(1), having only been served on him six (6) days prior to the return date. Mr. Albert further objects to this Request on the grounds that it is overly broad, unduly burdensome, vague, ambiguous, and seeks documents and information that is neither relevant nor reasonably likely to lead to the discovery of admissible evidence. Mr. Albert further objects to this Request to the extent that it seeks documents that are protected from discovery by the attorney/client privilege, the work product doctrine, and/or any other privilege cognizable at law. Mr. Albert further objects to this Request to the extent that it seeks documents and information already in Ms. Read's possession, custody, and control.

Based on the foregoing objections, Mr. Albert will not produce documents in response to Request B.

REQUEST C:

All documents, including communications, relating to Michael Proctor.

RESPONSE TO REQUEST C:

Mr. Albert objects to this Request on the grounds that it fails to supply him with adequate time to respond, in violation of Mass. R. Civ. P. 45(d)(1), having only been served on him six (6) days prior to the return date. Mr. Albert further objects to this Request on the grounds that it is overly broad, unduly burdensome, vague, ambiguous, and seeks documents and information that

is neither relevant nor reasonably likely to lead to the discovery of admissible evidence. Mr. Albert further objects to this Request to the extent that it seeks documents that are protected from discovery by the attorney/client privilege, the work product doctrine, and/or any other privilege cognizable at law. Mr. Albert further objects to this Request to the extent that it seeks documents and information already in Ms. Read's possession, custody, and control.

Based on the foregoing objections, Mr. Albert will not produce documents in response to Request C.

REQUEST D:

All documents, including communications, relating to the Investigation.

RESPONSE TO REQUEST D:

Mr. Albert objects to this Request on the grounds that it fails to supply him with adequate time to respond, in violation of Mass. R. Civ. P. 45(d)(1), having only been served on him six (6) days prior to the return date. Mr. Albert further objects to this Request on the grounds that it is overly broad, unduly burdensome, vague, ambiguous, and seeks documents and information that is neither relevant nor reasonably likely to lead to the discovery of admissible evidence. Mr. Albert further objects to this Request to the extent that it seeks documents that are protected from discovery by the attorney/client privilege, the work product doctrine, and/or any other privilege cognizable at law. Mr. Albert further objects to this Request to the extent that it seeks documents and information already in Ms. Read's possession, custody, and control.

Based on the foregoing objections, Mr. Albert will not produce documents in response to Request D.

REQUEST E:

All documents, including communications, relating to the Criminal Trials.

RESPONSE TO REQUEST E:

Mr. Albert objects to this Request on the grounds that it fails to supply him with adequate time to respond, in violation of Mass. R. Civ. P. 45(d)(1), having only been served on him six (6) days prior to the return date. Mr. Albert further objects to this Request on the grounds that it is overly broad, unduly burdensome, vague, ambiguous, and seeks documents and information that is neither relevant nor reasonably likely to lead to the discovery of admissible evidence. Mr. Albert further objects to this Request to the extent that it seeks documents that are protected from discovery by the attorney/client privilege, the work product doctrine, and/or any other privilege cognizable at law. Mr. Albert further objects to this Request to the extent that it seeks documents and information already in Ms. Read's possession, custody, and control.

Based on the foregoing objections, Mr. Albert will not produce documents in response to Request E.

REQUEST F:

All documents, including communications, relating to the Civil Actions.

RESPONSE TO REQUEST F:

Mr. Albert objects to this Request on the grounds that it fails to supply him with adequate time to respond, in violation of Mass. R. Civ. P. 45(d)(1), having only been served on him six (6) days prior to the return date. Mr. Albert further objects to this Request on the grounds that it is overly broad, unduly burdensome, vague, ambiguous, and seeks documents and information that is neither relevant nor reasonably likely to lead to the discovery of admissible evidence. Mr. Albert further objects to this Request to the extent that it seeks documents that are protected from discovery by the attorney/client privilege, the work product doctrine, and/or any other privilege

cognizable at law. Mr. Albert further objects to this Request to the extent that it seeks documents and information already in Ms. Read's possession, custody, and control.

Based on the foregoing objections, Mr. Albert will not produce documents in response to Request F.

REQUEST G:

All communications with Michael Proctor.

RESPONSE TO REQUEST G:

Mr. Albert objects to this Request on the grounds that it fails to supply him with adequate time to respond, in violation of Mass. R. Civ. P. 45(d)(1), having only been served on him six (6) days prior to the return date. Mr. Albert further objects to this Request on the grounds that it is overly broad, unduly burdensome, vague, ambiguous, and seeks documents and information that is neither relevant nor reasonably likely to lead to the discovery of admissible evidence. Mr. Albert further objects to this Request to the extent that it seeks documents and information already in Ms. Read's possession, custody, and control.

Based on the foregoing objections, Mr. Albert will not produce documents in response to Request G.

REQUEST H:

All communications with John O'Keefe.

RESPONSE TO REQUEST H:

Mr. Albert objects to this Request on the grounds that it fails to supply him with adequate time to respond, in violation of Mass. R. Civ. P. 45(d)(1), having only been served on him six (6) days prior to the return date. Mr. Albert further objects to this Request on the grounds that it is overly broad, unduly burdensome, vague, ambiguous, and seeks documents and information that

is neither relevant nor reasonably likely to lead to the discovery of admissible evidence. Mr. Albert further objects to this Request to the extent that it seeks documents and information already in Ms. Read's possession, custody, and control.

Based on the foregoing objections, Mr. Albert will not produce documents in response to Request H.

REQUEST I:

All communications with Paul O'Keefe.

RESPONSE TO REQUEST I:

Mr. Albert objects to this Request on the grounds that it fails to supply him with adequate time to respond, in violation of Mass. R. Civ. P. 45(d)(1), having only been served on him six (6) days prior to the return date. Mr. Albert further objects to this Request on the grounds that it is overly broad, unduly burdensome, vague, ambiguous, and seeks documents and information that is neither relevant nor reasonably likely to lead to the discovery of admissible evidence. Mr. Albert further objects to this Request to the extent that it seeks documents and information already in Ms. Read's possession, custody, and control.

Based on the foregoing objections, Mr. Albert will not produce documents in response to Request I.

REQUEST J:

All communications from January 28, 2022 to the present with:

- a. Chris Albert;
- b. Julie Albert;
- c. Courtney Elburg;
- d. Kerry Roberts;
- e. Brian Higgins;
- f. Brian Albert;
- g. Nicole Albert;
- h. Matthew McCabe;

- i. Jennifer McCabe;
- j. Allie McCabe;
- k. Brian Albert, Jr.; and/or
- l. Yuriy Bukhenik.

RESPONSE TO REQUEST J:

Mr. Albert objects to this Request on the grounds that it fails to supply him with adequate time to respond, in violation of Mass. R. Civ. P. 45(d)(1), having only been served on him six (6) days prior to the return date. Mr. Albert further objects to this Request on the grounds that it is overly broad, unduly burdensome, vague, ambiguous, and seeks documents and information that is neither relevant nor reasonably likely to lead to the discovery of admissible evidence. Mr. Albert further objects to this Request to the extent that it seeks documents and information already in Ms. Read's possession, custody, and control.

Based on the foregoing objections, Mr. Albert will not produce documents in response to Request J.

Dated in Boston, Massachusetts on this 27th day of April, 2026.

COLIN ALBERT

By his attorneys,

/s/ James L. Tuxbury

James L. Tuxbury (BBO No. 624916)
William S. Fish, Jr. (*pro hac vice forthcoming*)
Kieran T. Murphy (*pro hac vice forthcoming*)
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rmihail@koskoff.com

CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2026, I cause to be served a copy of the foregoing *Document* by First Class Mail and electronic mail upon:

<u>Counsel to Plaintiffs:</u> Daniel T. Buck, Esq. Marc A. Diller, Esq. Diller Law, LLP 50 Congress St. Boston, Massachusetts 02109 dbuck@dillerlaw.com mdiller@dillerlaw.com Bibianne U. Fell, Esq. Marlee Horwitz, Esq. Fell Law, PC 10531 4S Commons Dr. – Ste. 166-610 San Diego, California 92127 bibi@fellfirm.com 10680 Treena St. – Ste. 160 San Diego, California 92131 marlee@fellfirm.com	<u>Counsel to Waterfall Bar & Grill:</u> John M. Dealy, Esq. David F. Hassett, Esq. Casey L. McCaffrey, Esq. Hassett and Donnelly, P.C. 446 Main St. – 12th Floor Worcester, Massachusetts 01608 jdealy@hassettdonnelly.com dhassett@hassettdonnelly.com cmccaffrey@hassettdonnelly.com John A. Donovan, Esq. Sloane and Walsh LLP One Boston Place 201 Washington St. – Suite 1600 Boston, Massachusetts 02108 jdonovan@sloanewalsh.com
<u>Counsel to C.F. McCarthy's:</u> Alexandra M. Beaton, Esq. Tamara Smith Holtslag, Esq., Esq. Lincoln Rose, Esq. Peabody and Arnold LLP 600 Atlantic Ave Boston, MA 02210 ambeaton@peabodyarnold.com tsmith@peabodyarnold.com lrose@peabodyarnold.com	<u>Counsel to Karen Read:</u> Michael William Bell, Esq. Arthur Maravelis, Esq. Sarah Anne Shipley, Esq. Thomas M. Tang, Esq. Tang and Maravelis, P.C. 111 South Bedor St. – Suite 200 Burlington, Massachusetts 01803 mbell@tangmaravelis.com amaravelis@tangmaravelis.com sshipley@tangmaravelis.com ttang@tangmaravelis.com Aaron Rosenberg, Esq. Damon M. Seligson, Esq. Charles Waters, Esq. Sheehan Phinney Bass and Green PA 28 State St. – 22nd Floor Boston, Massachusetts 02109 arosenberg@sheehan.com dseligson@sheehan.com cwaters@sheehn.com Alan Jackson, Esq. Elizabeth Little, Esq.

	Caleb E. Mason, Esq. Werksman Jackson & Quinn LLP 888 West Sixth St. – Fourth Floor Los Angeles, California 90017 cmason@werksmanjackson.com
--	--

/s/ James L. Tuxbury

James L. Tuxbury

Exhibit D

From: Aaron D. Rosenberg
To: Christopher Mattei
Cc: Damon M. Seliason; Charles M. Waters; Fish, Jr., William S.; Tuxbury, James L.; Renee Mihail; Murphy, Kieran T.
Subject: RE: O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - Colin Albert Subpoena Responses
Date: Wednesday, April 29, 2026 12:14:38 PM
Attachments: image001.png
Read - Colin Albert Subpoena - 9C Revisions.docx

Chris,

Thanks for the call yesterday. I've thought through your team's proposals on consolidation and the subpoena to Colin Albert and have discussed them with our group.

We do not agree to consolidate discovery in your clients' defamation case with the *O'Keefe* litigation. As we discussed, we are already well down the road in discovery in that case with almost all documents produced, multiple rounds of interrogatories and answers exchanged between all parties, and over 20 depositions scheduled in the upcoming months. Also, Judge Gildea has been insistent that we do all we can to stick to the existing discovery deadline in August, and I don't believe he would be inclined to allow consolidation that would necessarily require a significant extension of that deadline. Also, although I know you weren't yet involved in the case, your clients previously resisted our efforts to make these proceedings more efficient by bringing our claims against them in the *O'Keefe* case last year, then, when we filed those claims in a separate superior court action, they removed it to federal court, preventing any chance of consolidation. We do not think now consolidating only your affirmative claims, which your clients opted to bring in yet another superior court proceeding rather than in the existing federal case, would be efficient or fair.

Attached is a proposed narrowing of the document subpoena to Colin Albert, particularly the portion of the last request seeking communications with Colin Albert's parents, as you requested in our 9C call. Please let us know if you will agree to produce documents responsive to these narrower requests. We reserve the right to seek additional categories of documents in the future, pursuant to the applicable Rules, but are willing to accept this scope of documents at this point, prior to the deposition.

Thanks,

Aaron

Aaron D. Rosenberg



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SCHEDULE A

Colin Albert is required to produce by April 27, 2026 at 12:00 p.m. the following documents:

- A. All documents, including communications, relating to Karen Read;
- B. All documents, including communications, relating to John O'Keefe;
- C. All documents, including communications, relating to Michael Proctor;
- D. All documents, including communications, relating to the Investigation;
- E. All documents, including communications, relating to the Criminal Trials;
- F. All documents, including communications, relating to the Civil Actions;
- G. All communications with Michael Proctor;
- H. All communications with John O'Keefe;
- I. All communications with Paul O'Keefe;
- J. All communications from January 28, 2022 to the present with:
 - a. Courtney Elburg;
 - b. Kerry Roberts;
 - c. Brian Higgins;
 - d. Brian Albert;
 - e. Nicole Albert;
 - f. Matthew McCabe;
 - g. Jennifer McCabe;
 - h. Allie McCabe;
 - i. Brian Albert, Jr.; and/or
 - j. Yuriy Bukhenik.
- K. All communications with Chris Albert or Julie Albert from January 28, 2022 through April 30, 2022.
- L. All communications with Chris Albert or Julie Albert from May 1, 2022 to the present concerning the events of January 28th and 29th, 2022; Karen Read; John O'Keefe III; the investigation into Mr. O'Keefe's death; the Massachusetts State Police, Canton Police Department, or any member, officer, employee, representative, or agent thereof; the Norfolk District Attorney's Office or any employee, representative, or agent thereof; the Commonwealth prosecution of Karen Read; Alan Jackson; David Yannetti; Robert Alessi; the United States Attorney's Office, the Federal Bureau of Investigation, or the

United States Department of Justice or any employee, representative, or agent thereof; or any other police department or law enforcement body or agency or any employee, representative, or agent thereof.

Exhibit E

From: Charles M. Waters
To: Murphy, Kieran T.; Christopher Mattei; Tuxbury, James L.
Cc: Damon M. Seligson; Aaron D. Rosenberg
Subject: FW: [External] O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - Colin Albert Subpoena Responses
Date: Thursday, May 21, 2026 12:04:15 PM
Attachments: image001.png

Kieran –

1. You must have missed my earlier response to Chris's email. I've placed it below chronologically for clarity in our communications.
2. Your statement below that "no further documents exist that [you] are willing to produce at this time," is of course the exact issue with which we are concerned.
3. Please describe the "reasonable" search you claimed to have conducted;
4. Please produce all responsive documents that you are "willing to produce at this time" pursuant to that reasonable search, regardless of whether you think Ms. Read may or may not have them already.
5. Relating to the responsive documents that you are "[not] willing to produce," please identify what they are, including:
 - a. Are there any responsive documents relating to the "Investigation," "Criminal Trials," and "Civil Actions" (all defined terms)? How many?
 - b. Regarding Colin Alberts' parents, what is the volume of responsive documents? As you know, we've reduced the scope to communications in a 4-month period; and
 - c. Other than his parents, did your reasonable search identify any responsive communications with:
 - i. Paul O'Keefe;
 - ii. Courtney Elburg;
 - iii. Kerry Roberts;
 - iv. Brian Higgins;
 - v. Brian Albert;
 - vi. Nicole Albert;
 - vii. Matthew McCabe;

- viii. Jennifer McCabe;
- ix. Allie McCabe;
- x. Brian Albert, Jr

6. Were there any responsive documents that you “are not willing to produce” relating to: “All communications with Chris Albert or Julie Albert from May 1, 2022 to the present concerning the events of January 28th and 29th, 2022; Karen Read; John O’Keefe III; the investigation into Mr. O’Keefe’s death; the Massachusetts State Police, Canton Police Department, or any member, officer, employee, representative, or agent thereof; the Norfolk District Attorney’s Office or any employee, representative, or agent thereof; the Commonwealth prosecution of Karen Read; Alan Jackson; David Yannetti; Robert Alessi; the United States Attorney’s Office, the Federal Bureau of Investigation, or the United States Department of Justice or any employee, representative, or agent thereof; or any other police department or law enforcement body or agency or any employee, representative, or agent thereof.
7. As for Colin Albert’s deposition, we served him with a subpoena on 4/21 for a deposition scheduled on 4/29. We began communicating with your office on 4/23. Last night’s email (5/20) was the first time you told us that Colin Albert “is away from the Massachusetts area for a significant period due to work-related matters beginning on June 2, 2026.” You then provide two dates next week for his deposition, both of which do not work for me because I am out of state both days.

Please provide additional dates in June as I requested yesterday. If necessary for Mr. Albert’s schedule, I would consider taking his deposition on a Saturday. If you claim to have no dates in June, please explain the details of why Mr. Albert cannot come to Massachusetts at any time in the month of June for his deposition, and when you first learned this.

I look forward to your response.

Chas.

Exhibit F

From: Marc Diller
To: John Dealy; David Hassett; Tamara Smith Holtslag; Lincoln A. Rose; Alexandra M. Beaton; Aaron D. Rosenberg; Damon M. Seligson; Charles M. Waters; Michael Bell; Thomas Tang; Art Maravelis; Sarah Shipley; Alan Jackson
Cc: Bibi Fell; Daniel Buck; Christina Brilhante; Jason Varsch; Marlee Horwitz
Subject: O'Keefe v Read, et al.
Date: Friday, May 22, 2026 4:02:50 PM
Attachments: image001.png
image002.png
image003.png
C. Albert - NOD & Subpoena 05.22.2026.pdf

Counsel,

Please note the following:

1. Tuesday's deposition of Mackowski is off while the O'Keefe and Read teams confer on Read's objections to the matter.
2. We were notified that Ms. Collins and Ms. Bombadier need to reschedule the Thursday depositions.
3. Given that all parties were already blocked for the day and our need to move depositions forward, we investigated and discovered that Colin Albert's deposition was canceled by the Read team previously and never re-noticed/subpoenaed to date. Albert's counsel has agreed to accept the subpoena and to appear next Thursday at his counsel's office (28 State St.) for deposition. See attached deposition notice which has been properly served on Albert with a confirmed appearance.
4. Friday's deposition remains on the calendar and has been confirmed that it is going forward.

Have a nice Holiday weekend. I look forward to seeing you all next week.



Marc Diller, Esq.

Phone (617) 523-7771

Email: marc@dillerlaw.com

Website: www.dillerlaw.com

Address: 50 Congress St., Ste.

420

Boston, MA 02109



Effective 9/1/2022 our address changed. Please update your records with our new address 50 Congress St. Ste. 420 Boston, MA 02109.

Please consider the environment before printing this e-mail.

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Thank you.

Exhibit G

From: Murphy, Kieran T.
To: Charles M. Waters
Cc: Damon M. Seligson; Aaron D. Rosenberg; Christopher Mattel; Tuxbury, James L.
Subject: RE: [External] O'Keefe et al v. C&C Hospitality LLC et al (2483cv00692) - Colin Albert Subpoena Responses
Date: Friday, May 22, 2026 5:36:50 PM
Attachments: image001.png

Chas—

Respectfully, I decline to engage in a line-by-line dissection of our responses and objections to the subpoena. This subpoena was issued to a non-party pursuant to Rule 45, and as you are well aware, non-parties are afforded specific protections from undue burden under the Massachusetts Rules of Civil Procedure. We have made our position clear that this subpoena exceeds permissible bounds and violates those protections. Moreover, we have now inquired twice—without receiving any response—regarding the relevance of Colin Albert's testimony to the wrongful death action. The disposition of that case requires answering a singular question: whether your client is responsible for the death of John O'Keefe. Colin Albert was not present at 34 Fairview at the time of Mr. O'Keefe's death, and you have provided no explanation as to how his testimony assists in resolving that central issue. Absent such an explanation, our objections to the subpoena remain unchanged.

Notwithstanding the foregoing objections, we have attempted in good faith to reach a reasonable compromise by agreeing to produce the following categories of documents:

1. Communications from January 28, 2022 to present between Colin Albert and Michael Proctor, Yuriy Bukhenik, or any other law enforcement official associated with the investigation and criminal trials of Karen Read; and
2. All communications between Colin Albert and any other individual at or around January 28, 2022 pertaining to the circumstances surrounding the death of Officer O'Keefe and the investigation conducted into the same.

I have confirmed that only a single text exchange is responsive to those categories: communications between Colin Albert and Allie McCabe regarding the time Ms. McCabe picked up Colin Albert at 34 Fairview. That text exchange was used by Ms. Read's criminal defense counsel during Colin Albert's cross-examination at her first trial, which supports our position that it is already within Ms. Read's possession, custody, and control. However, as I previously stated, if for whatever reason Ms. Read no longer has access to that exchange, we are prepared to produce it upon the issuance of a new subpoena, as the prior subpoena has expired and was not renewed.

Regarding Colin Albert's deposition, we've received a subpoena today from the Plaintiffs in the wrongful death suit for his deposition on May 28, 2026.

Finally, I am not in a position to provide further detail regarding my client's availability constraints beyond what has already been communicated. Colin Albert will be unavailable for an extended period after June 2, 2026 due to work-related obligations. Accordingly, we look forward to completing his deposition before that date.

Regards,

Kieran

Kieran T. Murphy

Associate

Hinckley Allen

30 South Pearl Street, Suite 1101

Albany, NY 12207-3492

p: 518-396-3143 | c: 860-936-5622

KMurphy@hinckleyallen.com
