

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS.

SUPERIOR COURT DEPT.
 C.A. NO. 2483CV00692

PAUL O'KEEFE, INDIVIDUALLY & AS PERSONAL
 REPRESENTATIVE OF THE ESTATE OF JOHN
 JOSEPH O'KEEFE, III; MARGARET O'KEEFE,
 INDIVIDUALLY AND AS GRANDPARENT / GUARDIAN
 OF KAYLEY FURBUSH; and JOHN O'KEEFE, II,

Plaintiffs,

v.

C&C HOSPITALITY, LLC, *d/b/a* C.F MCCARTHY'S;
 G&S HOSPITALITY, LLC *d/b/a* C.F. MCCARTHY'S;
 WATERFALL BAR & GRILL, LTD *d/b/a* WATERFALL
 BAR & GRILL; and KAREN READ,

Defendants.

**MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION TO COMPEL RESPONSES
 TO PLAINTIFFS' SUPPLEMENTAL REQUESTS FOR DOCUMENT PRODUCTION**

NOW COME the Plaintiffs in the above-captioned matter, and respectfully request that this Honorable Court, pursuant to Rule 37 of the Massachusetts Rules of Civil Procedure and other relevant rules governing discovery, issue an order compelling Defendant Karen Read (hereinafter "Read") to provide responses to Plaintiffs' Supplemental Document Production served on March 5th, 2026. As of the date of service Plaintiffs have yet to receive responses, objections, or any request for extension from Read.

I. RELEVANT BACKGROUND

Plaintiffs served Supplemental Requests for Production of Documents (herein "Supplemental RPD") on or about March 5th, 2026. Responses were due by April 4, 2026. To date, Plaintiffs have yet to receive any response or request for extension by Read. This is not the first time we have

seen dilatory discovery tactics in this case. On or about July 24, 2025, Plaintiffs served their First Set of Requests for Document Production on Read. Under Mass. R. Civ. P. 34, responses were due within thirty (30) days by August 23, 2025. Read failed to respond or request any extension for more than two months, forcing Plaintiffs to serve their first Motion to Compel on or about October 10, 2025.

Plaintiffs agreed to hold such motion in abeyance based upon representations by Read's then counsel (Melick & Porter) that production would occur within the next two (2) weeks. When Read finally produced documents in November and December 2025, more than ninety (90) days late, the production consisted of an incoherent document dump. The production lacked organization, classification, indexing, and even contained hundreds of corrupted and unusable files. Additionally, this production omitted the necessary data and load files required to review meaningfully the electronic discovery.

LEGAL STANDARD

Mass. R. Civ. P. 37(a)(2) provides, in pertinent parts, "if a party, in response to a request for inspection submitted under rule 34, fails to respond ... the discovering party may move an order compelling inspection in accordance with the request." See, Mass. R. Civ. P. 37(a)(2).

II. ARGUMENT

A. Read's Complete Failure To Respond To The Supplemental RPD Violates Rule 34 And Warrants Granting This Motion

Mass. R. Civ. P. 34(b) requires a party to respond to document requests within thirty (30) days of service. Mass. R. Civ. P. 37(a)(2) authorizes a party to move for an order compelling production when the responding party fails to respond. Here, Plaintiffs served the Supplemental RPD on March 5, 2026. A response was due by April 4, 2026. As of the date of this service, Read has not served any responses, objections, nor any request for extension. This complete failure to respond

constitutes a clear violation of Rule 34 and entitles Plaintiffs to an order compelling all unobjected production. Read and her legal team have had over three years, through two criminal trials, to obtain, review, and organize relevant evidence. This Court should not permit Read to continue to evade discovery obligations to Plaintiffs' detriment. Plaintiffs respectfully request that this Court grant the motion and compel production forthwith.

III. REQUESTED RELIEF

WHEREFORE, the Plaintiffs respectfully requests that this Court: (1) GRANT this Motion to Compel; (2) ORDER Read to serve full and complete responses to Plaintiffs' Supplemental Requests for Production of Documents within ten (10) days of the entry of this Order; and (3) GRANT any such other and further relief as this Court deems just and appropriate.

PLAINTIFFS RESPECTFULLY REQUEST A HEARING ON THIS MATTER

Respectfully submitted, Plaintiffs,
By Their Attorney,
/s/ Marc Diller
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CERTIFICATE OF SERVICE

I, Marc Diller, hereby certify that on this day a true copy of the within document was served upon all counsel of record via E-Mail to:

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Dated: 5/insert/26

/s/ Marc Diller

Marc Diller, Esq.