

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.

**PLAINTIFFS' REPLY TO DEFENDANT KAREN READ'S OPPOSITION TO
 PLAINTIFFS' MOTION TO COMPEL RESPONSES TO PLAINTIFFS'
 SUPPLEMENTAL REQUESTS FOR DOCUMENT PRODUCTION**

While Read's opposition is replete with excuses and attempts to shift blame, it fails to articulate any cognizable legal or factual basis for this Court to deny Plaintiffs' motion. This omission is unsurprising, as no such basis exists. Read concedes that her responses are overdue and acknowledges her prior commitment to produce the requested documents. Notably, however, her opposition nor the accompanying email exhibits identifies any firm production date or defined timeframe for compliance.

The discovery rules and the deadlines they impose serve an essential purpose. Read's assertion that Plaintiffs' timing in filing the present motion was intended to support "a future argument to alter the Court's discovery deadline" is both unfounded and illogical. To the contrary, Plaintiffs

extended additional time to Read as a professional courtesy in an effort to secure voluntary compliance with her discovery obligations.

Read's position, as set forth in their opposition, underscores the necessity of judicial intervention. Plaintiffs require the Court's assistance to compel Read to produce all responsive documents by a date certain, without further delay, so that Plaintiffs may endeavor to meet the existing discovery deadline. Read's written responses, standing alone, are of no practical value absent the corresponding document production. As there is no genuine dispute, the Court should allow Plaintiffs' motion and order Read to produce all responsive documents forthwith.

A. Plaintiffs' Motion To Compel Is Not Moot

Read's Opposition asks this Court to deny the Motion to Compel on the grounds that Read has now served the written responses that Plaintiffs originally sought. *See* Exhibit A. This argument ignores that written responses are one half of the responsibility of responding to requests for documents. On May 21, 2026, counsel for Read emailed the Plaintiffs the following:

“we've now served written responses to your second set of document requests, which is the relief you seek in your Motion. We are also working on producing documents as indicated in those written responses, as well as the documents from Ms. Read's phone extraction from the NDAO. We are happy to provide a further updated estimate next week for the production of any remaining documents.” Exhibit B.

Read's belated service of written responses which was prompted only by Plaintiffs Motion to Compel, does not moot the Motion. As of the filing of this Reply, Plaintiffs have not received complete document production in response to their Supplemental Requests. Without a court order establishing a date certain for document production, Plaintiffs have no assurance Read will complete production in any reasonable timeframe. Read's vague promise to “provide a further updated estimate next week” is insufficient. The Motion to Compel therefore remains live.

B. Plaintiffs Were Under No Obligation to Chase Down Read's Overdue Responses

Read's Opposition criticizes Plaintiffs for waiting an additional month before filing the Motion to Compel. [Opp. at 2]. This argument turns the discovery rules on their head. It is not Plaintiffs' burden to repeatedly contact opposing counsel and remind them of their discovery obligations. Rather, it is Read's affirmative duty to serve timely responses. Plaintiffs' decision to wait an additional month before filing the Motion to Compel reflects the professional courtesy that Read's Opposition suggests was lacking. Moreover, Read's suggestion that Plaintiffs should have contacted counsel before sending the Motion to Compel ignores the practical reality: when a party has completely failed to respond to discovery, there is nothing to confer about. A Rule 9C conference is designed to narrow disputes, not to serve as a reminder service for opposing counsel's missed deadlines.

C. Read's History of Discovery Delays Warrants Court Intervention.

Read's failure to respond to the Supplemental Requests for Document Production is not an isolated incident. The record in this case reflects a persistent pattern of discovery delay necessitating court intervention.

- July 24, 2025: Plaintiffs served First Set of Requests for Production of Documents on Read.
- August 23, 2025: Responses were due, yet none were received.
- October 10, 2025: Plaintiffs served Motion to Compel after more than two months of silence.
- October 18, 2025: Read served written responses with no documents attached.
- November-December 2025: Read produced approximately 650,000 files in a disorganized production with no indexing.
- March 5, 2026: Plaintiffs served Supplemental Requests for Production.
- May 7, 2026: Plaintiffs served the instant Motion to Compel after receiving no response for over sixty days.

This pattern demonstrates that Read will not comply with her discovery obligations absent court intervention. An Order from this Court is necessary to ensure that Read produces the documents she has promised and does so within a reasonable timeframe.

WHEREFORE, the Plaintiffs request this Honorable Court to (1) GRANT Plaintiffs' Motion to Compel; (2) ORDER Defendant Karen Read to complete her production of documents responsive to Plaintiffs' Supplemental Requests for Production of Documents within fourteen days of the entry of this Order; (3) GRANT any further relief the court deems just and appropriate.

PLAINTIFFS RESPECTFULLY REQUEST A HEARING ON THIS MATTER.

Respectfully submitted, Plaintiffs,
By Their Attorney,
/s/ Marc Diller
Marc Diller, Esq. BBO # 644997
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50 Congress St. Suite 420
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(617) 523-7771
marc@dillerlaw.com

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: 6/9/26

/s/ *Marc Diller*
Marc Diller, Esq.

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

**DEFENDANT KAREN READ'S RESPONSES TO PLAINTIFFS' SUPPLEMENTAL
REQUESTS FOR PRODUCTION OF DOCUMENTS**

Defendant Karen Read ("Ms. Read") responds to Plaintiffs' Supplemental Requests for Production of Documents as follows:

GENERAL OBJECTIONS

Ms. Read objects to Plaintiffs' Document Requests to the extent they impose burdens and obligations in excess of those required by the Massachusetts Rules of Civil Procedure, including any and all Document Requests that are overbroad, unduly burdensome, insufficiently limited in time, scope and extent, and which are beyond the scope of permissible discovery as delineated in Mass. R. Civ. P. 26, et seq.

Ms. Read objects to Plaintiffs' Document Requests to the extent they seek documents and information that is subject to a claim of privilege, including the attorney-client privilege and the work product doctrine, and to the extent they call for information that is otherwise immune or protected from discovery.

Ms. Read objects to Plaintiffs' Document Requests to the extent they seek documents and information that is irrelevant or immaterial to the facts, allegations, and/or defenses in this action.

Ms. Read objects to Plaintiffs' Document Requests to the extent they are interposed to harass her, cause excess expense for her, or otherwise will cause undue burden for her.

Ms. Read objects to Plaintiffs' Document Requests to the extent they seek duplicative documents and information already produced in this cation.

Ms. Read objects to Plaintiffs' Document Requests to the extent that they seek documents and information protected by state or federal law and/or to which she has a reasonable expectation of privacy.

Ms. Read objects to the Plaintiffs' Document Requests to the extent that they are based upon incorrect or inaccurate statements, assertions, or allegations. By responding to the Document Requests, Ms. Read does not admit, concede, or adopt as true or relevant, any of the statements, assertions, or allegations set forth in Plaintiffs' Document Requests. In particular, Ms. Read does not admit, concede, or adopt as true or relevant, any statements, assertions, or allegations concerning dates or times of alleged acts or events, or other characterizations that may be set forth in Plaintiffs' Document Requests.

Ms. Read objects to Plaintiffs' Document Requests to the extent they seek information not within the possession, custody, or control of Ms. Read, or information, which if discoverable at all, is obtainable from other more convenient, less burdensome, or less expensive sources.

Ms. Read expressly reserves the right to modify and/or supplement her responses and her production of responsive information as discovery proceeds in this action.

Subject to and without waiver of the forgoing general objections, Ms. Read objects and responds as follows.

Request No. 1:

During the period from January 29, 2022, through present, all documents and/or communications regarding/mentioning (a) the death of John O’Keefe; (b) members of the O’Keefe family; (c) the investigation, prosecution or defense of Com. vs. Read; (d) any witnesses appearing on combined Witness List, hereto as Exhibit A; or (e) allegations of a cover-up or conspiracy related to the death of John O’Keefe exchanged between you / your counsel and:

- a. Jennifer Altman
- b. Natalie Berschneider Wiwike
- c. Nick Rocco
- d. Adam Deitch
- e. Joshua Levy
- f. Brian LaMacchia
- g. Rachel Rollins
- h. Leah Foley
- i. John Silvera
- j. Cathrine Quarantello
- k. William Read
- l. Janet Read
- m. Nathan Read
- n. Stephen Scanlon
- o. Any member of the U.S. Department of Justice
- p. Any member of the U.S. Attorney’s office for District of Massachusetts
- q. Any member of the Massachusetts Attorney General’s Office
- r. Any member of the Massachusetts Inspector General’s Office

Response No. 1:

Ms. Read objects to this Request as overbroad, unduly burdensome, and outside the scope of discovery under Rule 26 because it seeks documents not reasonably calculated to lead to the discovery of admissible evidence. Ms. Read also objects to this Request to the extent it seeks documents or information subject to the attorney-client privilege or work product doctrine. Subject to, and without waiving, these objections, Ms. Read will produce all nonprivileged documents in her possession, custody, or control which she locates after a reasonable search.

Request No. 2:

For all your prescription medication(s) in effect as of January 28-29, 2022:

- 1) The labels accompanying same;
- 2) Receipts related to when such prescriptions were filled
- 3) Medical providers' orders for prescribing such medication(s)

Response No. 2:

Ms. Read objects to Request No. 2 as it seeks information regarding her medical and/or mental health. Such information is not only irrelevant and immaterial to the claims and defenses in this action but is also private in nature and protected from disclosure by state and federal law. The Plaintiffs fail to provide any justification whatsoever, let alone any legitimate need, for the requested information that amounts to nothing more than an unwarranted fishing expedition. Ms. Read will not produce documents in response to this Request.

Request No. 3:

All documents, communications and/or materials regarding the maintenance, modification, repair, sale and/or auction of your Lexus LX.

Response No. 3:

Ms. Read objects to this Request as overbroad, unduly burdensome, and outside the scope of discovery under Rule 26 because it seeks documents not reasonably calculated to lead to the discovery of admissible evidence. Ms. Read also objects to this Request to the extent it seeks documents or information subject to the attorney-client privilege or work product doctrine. Subject to, and without waiving, these objections, Ms. Read has no responsive documents.

Request No. 4:

During the period from January 29, 2022, to present any documents, transactions, receipts, invoices, statements, activation confirmations, and/or communications regarding all cellular phone(s) used by you.

Response No. 4:

Ms. Read objects to this Request as overbroad, unduly burdensome, and outside the scope of discovery under Rule 26 because it seeks documents not reasonably calculated to lead to the discovery of admissible evidence. Ms. Read will not produce documents in response to this Request.

Request No. 5:

During the period from January 29, 2022, to the present, the content of all social media platforms/accounts used and/or maintained by you that reference:

1. the death of John O'Keefe;
2. members of the O'Keefe family;
3. the investigation, prosecution or defense of Com. vs. Read;
4. any witnesses appearing on combined Witness List, hereto as Exhibit A; or
5. allegations of a cover-up or conspiracy related to the death of John O'Keefe.

Response No. 5:

Ms. Read objects to this Request as overbroad, unduly burdensome, and outside the scope of discovery under Rule 26 because it seeks documents not reasonably calculated to lead to the discovery of admissible evidence. Ms. Read also objects to this Request to the extent it seeks documents or information subject to the attorney-client privilege or work product doctrine. Subject to, and without waiving, these objections, Ms. Read will produce all nonprivileged posts from social media platforms/accounts used and/or maintained by her relating to *Commonwealth v. Read* or John O'Keefe's death in her possession, custody, or control, which she locates after a reasonable search.

Request No. 6:

All use of the Signal App between January 28, 2022, through present.

Response No. 6:

Ms. Read objects to this Request as overbroad, unduly burdensome, and outside the scope of discovery under Rule 26 because it seeks documents not reasonably calculated to lead to the discovery of admissible evidence. Ms. Read also objects to this Request to the extent it seeks documents or information subject to the attorney-client privilege or work product doctrine. Ms. Read will not produce documents in response to this Request.

Request No. 7:

All your financial transactions that occurred on January 28-29, 2022.

Response No. 7:

Ms. Read objects to this Request as overbroad, unduly burdensome, and outside the scope of discovery under Rule 26 because it seeks documents not reasonably calculated to lead to the discovery of admissible evidence. Ms. Read also objects to this Request to the extent it seeks documents or information subject to the attorney-client privilege or work product doctrine. Subject to, and without waiving, these objections, Ms. Read will produce all nonprivileged documents in her possession, custody, or control which she locates after a reasonable search.

Request No. 8:

All call logs, call detail records (CDR) and provider returns (e.g. Verizon or other cellular carriers) reflecting calls between you and:

1. (774) 303-9017
2. (413) 262-6909

Response No. 8:

Ms. Read objects to this Request as overbroad, unduly burdensome, and outside the scope of discovery under Rule 26 because it seeks documents not reasonably calculated to lead to the discovery of admissible evidence. Ms. Read also objects to this Request to the extent it seeks documents or information subject to the attorney-client privilege or work product doctrine. Subject to, and without waiving, these objections, Ms. Read will produce all nonprivileged documents in her possession, custody, or control which she locates after a reasonable search.

Request No. 9:

Between January 29, 2020, through present, all communications (including email, texts, DMs, instant messages, etc.) by/to you regarding:

1. John O'Keefe;
2. Brian Higgins;
3. Natalie Berschneider Wiweke;
4. the death of John O'Keefe;
5. members of the O'Keefe family;

Response No. 9:

Ms. Read objects to this Request as overbroad, unduly burdensome, and outside the scope of discovery under Rule 26 because it seeks documents not reasonably calculated to lead to the discovery of admissible evidence. Ms. Read also objects to this Request to the extent it seeks documents or information subject to the attorney-client privilege or work product doctrine. Subject to, and without waiving, these objections, Ms. Read will produce all nonprivileged communications regarding John O'Keefe, Brian Higgins, Natalie Berschneider Wiweke, the death of John O'Keefe, and members of the O'Keefe family from December 28, 2021 to March 1, 2022 in her possession, custody, or control which she locates after a reasonable search.

Request No. 10:

All interviews/statements provided by you to any reporter/content creator since January 29, 2022, regarding:

1. John O'Keefe;
2. Brian Higgins;
3. Natalie Berschneider Wiweke;
4. the death of John O'Keefe;
5. members of the O'Keefe family;
6. the investigation, prosecution or defense of Com. vs. Read;
7. any witnesses appearing on combined Witness List, hereto as Exhibit A; or
8. allegations of a cover-up or conspiracy related to the death of John O'Keefe.

Response No. 10:

Ms. Read has no responsive documents. Further responding, any such publicly available material is readily accessible to the Plaintiffs through their own efforts.

Request No. 11:

Regarding the inside/outside of 34 Fairview Dr. Canton, MA:

1. all photographs, videos, diagrams
2. all measurements

Response No. 11:

Ms. Read objects to this Request to the extent it seeks documents or information subject to the attorney-client privilege or work product doctrine and to the extent that it seeks discovery of experts beyond the scope allowed by Mass. R. Civ. P. 26(b)(4). Subject to, and without waiving, these objections, Ms. Read has already produced all relevant and nonprivileged documents when she produced all documents in her possession, custody, or control that were exchanged in discovery in *Commonwealth v. Read* which she located after a reasonable search.

Request No. 12:

Any investigations conducted by you, or any member of your legal defense, including all lawyers, or personal investigators, into Chloe, the dog.

Response No. 12:

Ms. Read objects to this Request to the extent it seeks documents or information subject to the attorney-client privilege or work product doctrine. Subject to, and without waiving, these objections, Ms. Read will produce all nonprivileged documents in her possession, custody, or control which she locates after a reasonable search.

Request No. 13:

All devices owned and/or used by you that reference:

1. the death of John O'Keefe;
2. members of the O'Keefe family;
3. the investigation, prosecution or defense of Com. vs. Read;
4. any witnesses appearing on combined Witness List, hereto as Exhibit A; or
5. allegations of a cover-up or conspiracy related to the death of John O'Keefe.

Response No. 13:

Ms. Read objects to this Request as overbroad, unduly burdensome, duplicative, and outside the scope of discovery under Rule 26 because it seeks documents not reasonably calculated to lead to the discovery of admissible evidence. Ms. Read also objects to this Request to the extent it seeks documents or information subject to the attorney-client privilege or work product doctrine. Ms. Read further objects to this Request because Ms. Read's device(s) contain information that is irrelevant and immaterial to the claims and defenses in this action and which contain private information about which she has a reasonable expectation of privacy. Subject to, and without waiving, these objections, Ms. Read will produce nonprivileged data, downloads, and information from her device(s) in accordance with her objections and responses to the other Requests herein. Ms. Read will not produce additional documents in response to this Request specifically.

Request No. 14:

All cloud backups and/or cloud data from any cloud-based storage system or platform from all your devices, containing any data, communications, or other electronically stored information concerning or relating in any way to:

1. the death of John O'Keefe;
2. members of the O'Keefe family;
3. the investigation, prosecution or defense of Com. vs. Read;
4. any witnesses appearing on combined Witness List, hereto as Exhibit A; or
5. allegations of a cover-up or conspiracy related to the death of John O'Keefe.

Response No. 14:

Ms. Read objects to this Request as overbroad, unduly burdensome, duplicative, and outside the scope of discovery under Rule 26 because it seeks documents not reasonably calculated to lead to the discovery of admissible evidence. Ms. Read also objects to this Request to the extent it seeks documents or information subject to the attorney-client privilege or work product doctrine. Ms. Read further objects to this Request because Ms. Read's device(s) contain information that is irrelevant and immaterial to the claims and defenses in this action and which contain private information about which she has a reasonable expectation of privacy. Subject to, and without waiving, these objections, Ms. Read will produce nonprivileged data, downloads, and information from her device(s) in accordance with her objections and responses to the other Requests herein. Ms. Read will not produce additional documents in response to this Request specifically.

Request No. 15:

During the period from January 29, 2022, through present, all documents and/or communications exchanged between you / your counsel and Aidan Kearney.

Response No. 15:

Ms. Read objects to this Request as overbroad, unduly burdensome, and outside the scope of discovery under Rule 26 because it seeks documents not reasonably calculated to lead to the discovery of admissible evidence. Ms. Read also objects to this Request to the extent it seeks documents or information subject to the attorney-client privilege or work product doctrine. Subject to, and without waiving, these objections, Ms. Read will produce all nonprivileged documents in her possession, custody, or control which she locates after a reasonable search.

Request No. 16:

All metadata associated with any electronic information produced pursuant to this Records Request

Response No. 16:

Ms. Read objects to this Request as overbroad, unduly burdensome, duplicative, and outside the scope of discovery under Rule 26 because it seeks documents not reasonably calculated to lead to the discovery of admissible evidence. Ms. Read also objects to this Request to the extent it seeks documents or information subject to the attorney-client privilege or work product doctrine. Ms. Read further objects to this Request because Ms. Read's device(s) contain information that is irrelevant and immaterial to the claims and defenses in this action and which contain private information about which she has a reasonable expectation of privacy. Subject to, and without waiving, these objections, Ms. Read will comply with the parties' ESI protocol.

The Defendant,

KAREN READ

By Her Attorneys:

/s/ Damon M. Seligson

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mbell@tangmaravelis.com

Dated: May 18, 2026

CERTIFICATE OF SERVICE

I certify that a copy of this document was served on all counsel of record by email on May 18, 2026.

/s/ Damon M. Seligson

Damon M. Seligson

EXHIBIT B

Christina Brilhante

From: Aaron D. Rosenberg <arosenberg@sheehan.com>
Sent: Thursday, May 21, 2026 5:04 PM
To: Marc Diller; Christina Brilhante
Cc: Daniel Buck; Tamara Smith Holtslag; Alexandra M. Beaton; Lincoln A. Rose; John Dealy; David Hasset; Damon M. Seligson; Charles M. Waters; Alan Jackson; Michael Bell; Thomas Tang; Art Maravelis; Sarah Shipley
Subject: Re: Motion to Compel Responses to Pltfs Supplemental RPDs

Marc,

We've now served written responses to your second set of document requests, which is the relief you seek in your Motion. We are also working on producing documents as indicated in those written responses, as well as the documents from Ms. Read's phone extraction from the NDAO. We are happy to provide a further updated estimate next week for the production of any remaining documents.

Please confirm that you will withdraw your currently pending Motion, now that the mistaken lack of response has been promptly remedied.

Thanks,

Aaron

Aaron D. Rosenberg
Sheehan Phinney Bass & Green, PA
(617) 897-5664
arosenberg@sheehan.com

From: Aaron D. Rosenberg <arosenberg@sheehan.com>
Sent: Wednesday, May 13, 2026 11:37 AM
To: Marc Diller <MDiller@dillerlaw.com>; Christina Brilhante <CBrilhante@dillerlaw.com>
Cc: Daniel Buck <DBuck@dillerlaw.com>; Tamara Smith Holtslag <tsmith@peabodyarnold.com>; Alexandra M. Beaton <ambeaton@peabodyarnold.com>; Lincoln A. Rose <lrose@peabodyarnold.com>; John Dealy <jdealy@hassettdonnelly.com>; David Hasset <dhasett@hassettdonnelly.com>; Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>; Alan Jackson <ajackson@werksmanjackson.com>; Michael Bell <mbell@tangmaravelis.com>; Thomas Tang <ttang@tangmaravelis.com>; Art Maravelis <amaravelis@tangmaravelis.com>; Sarah Shipley <sshipey@tangmaravelis.com>
Subject: RE: Motion to Compel Responses to Pltfs Supplemental RPDs

I sent you a Teams invite so that Mike Bell can join us. I also sent it to Dan Buck.

Aaron D. Rosenberg

SHEEHAN PHINNEY