

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

AFFIDAVIT OF DAMON M. SELIGSON, ESQ.

I, Damon M. Seligson, on my oath, do hereby attest and declare, as follows:

1. I am over the age of eighteen (18).
2. I am an attorney licensed to practice law in the Commonwealth of Massachusetts.
3. I have been a member of the Massachusetts Bar since 1996, and from the date of my admission through to and including the present date, I have remained in good standing with the Massachusetts Board of Bar Overseers.
4. I am a shareholder of the law firm known as Sheehan, Phinney, Bass & Green, PA and I work in the firm's Boston office located at 28 State Street, Floor 22, Boston, MA 02109.
5. I am counsel for Karen Read who is named as a defendant in this action.

6. I provide this affidavit in support of Karen Read's Motion for Order Requiring Plaintiffs' Counsel to Destroy Inadvertently Produced Communication, and in response to statements that are contained in the Plaintiffs' Opposition (the "Opposition") papers.

7. On Tuesday, December 16, 2025 (2:17pm), I sent an email to Marc Diller, Esq., counsel of record for the Plaintiffs. In the email, I asked Mr. Diller to provide me with the basis for certain assertions that were included in the Opposition. A copy of the email is attached hereto as Exhibit A.

8. My email copies (by "cc") certain of the lawyers who have appearances in this action and includes my client by "bcc" (blind copy).

9. As a general practice, I do not blind copy Ms. Read on email exchanges with counsel. I have reviewed my emails to Ms. Read, and I cannot find a single instance – other than this one time – that I bcc'd her on communications with other counsel. Instead, with any communications from and among counsel that are shared with Ms. Read, it is my practice to forward those exchanges to her by separate email. The fact that I "bcc'd" Ms. Read on my December 16th email to Mr. Diller was a one-time event.

10. Using her cell phone, at 2:28pm, Ms. Read replied to the email but inadvertently replied to all recipients.

11. Realizing that Ms. Read's reply email had been sent to all, and that replying to all was inadvertent, my law partner, Aaron Rosenberg immediately communicated with Mr. Diller by email (at 3:07pm) explaining that our client's reply to all was inadvertent. In his email, Mr. Rosenberg requested that it be deleted without reviewing pursuant to the Mass. Rules of Professional Conduct. A copy of the email is attached hereto as Exhibit B.

12. At 3:51pm, I sent a follow up email to Mr. Diller reiterating that the reply from Ms. Read was inadvertent, and I expressly requested (i) that he and his legal team refrain from reviewing or disseminating the email or any attachments, (ii) that he and his legal team delete the email and all attachments from his system and any backups, (iii) that he confirm in writing that no portion of the email or attachments has been read, copied, saved, downloaded, or otherwise retained; and (iv) that he confirm deletion of all such materials and any derivative copies. A copy of the email is attached hereto as Exhibit C.

13. Mr. Diller refused. Accordingly, we served the Plaintiffs with Ms. Read's motion.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY, THIS 4TH DAY OF FEBRUARY, 2026

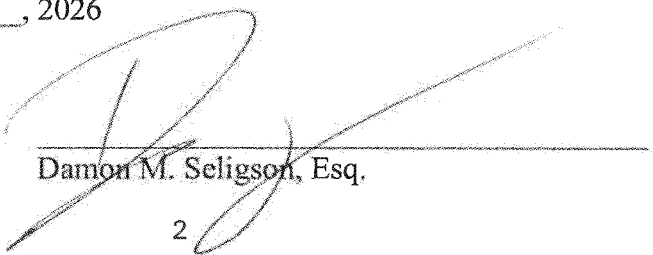

Damon M. Seligson, Esq.

EXHIBIT A

Damon M. Seligson

From: Damon M. Seligson
Sent: Tuesday, December 16, 2025 2:17 PM
To: Marc Diller
Cc: Charles M. Waters; Aaron D. Rosenberg; Elizabeth S. Little
(Elittle@werksmanjackson.com); Alan Jackson; Caleb Mason; Bibi Fell; Daniel Buck; Jason
Varsch; Art Maravelis; Thomas M. Tang, Esq.; Michael Bell; Sarah Shipley
Subject: Reply Brief

Marc, in your Reply brief filed with this Court you state "[i]n so doing, Read and her team not only have leaked evidence that now appears inconsistent with the under oath answer signed by Ms. Read, but also have stated publicly that she has evidence to suggest John O'Keefe was killed inside the house."

We deny having "leaked evidence." Please identify your Rule 11 bases for making this claim, as we think this needs to be cleared up immediately.

Thanks,
Damon

Damon M. Seligson, Esq.
Shareholder

SHEEHAN PHINNEY

28 State Street, Floor 22, Boston, MA 02109
T 617.897.5640 (direct) / 617.897.5600 (main)
www.sheehan.com



EXHIBIT B

Damon M. Seligson

From: Aaron D. Rosenberg
Sent: Tuesday, December 16, 2025 3:07 PM
To: Karen Read; Damon M. Seligson
Cc: Marc Diller; Charles M. Waters; Elizabeth S. Little (Elittle@werksmanjackson.com); Alan Jackson; Caleb Mason; Bibi Fell; Daniel Buck; Jason Varsch; Art Maravelis; Thomas M. Tang, Esq.; Michael Bell; Sarah Shipley
Subject: RE: Reply Brief

Marc, Dan, Jason – This email was sent inadvertently. Please delete it without reviewing pursuant to the Mass. Rules of Professional Conduct.

Aaron D. Rosenberg

SHEEHAN PHINNEY

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T 617.897.5664

arosenberg@sheehan.com

www.sheehan.com



REDACTED

EXHIBIT C

Damon M. Seligson

From: Damon M. Seligson
Sent: Tuesday, December 16, 2025 3:51 PM
To: Marc Diller
Cc: Charles M. Waters; Elizabeth S. Little (Elittle@werksmanjackson.com); Alan Jackson; Caleb Mason; Bibi Fell; Daniel Buck; Jason Varsch; Art Maravelis; Thomas M. Tang, Esq.; Michael Bell; Sarah Shipley; Aaron D. Rosenberg
Subject: Inadvertent Email

Dear Marc,

Following up on Aaron's request below. The email he refers to was inadvertently sent to you from my client with the subject "Re: Reply Brief" at 3:02:47 PM EST. It was not intended for your review. The email and any attachments thereto are privileged and confidential attorney-client/work-product materials.

Pursuant to your ethical obligations under the applicable Rules of Professional Conduct, you are hereby formally notified of the inadvertent transmission. You are directed to immediately:

1. Refrain from reviewing or disseminating the email or any attachments;
2. Delete the email and all attachments from your system and any backups;
3. Confirm in writing that no portion of the email or attachments has been read, copied, saved, downloaded, or otherwise retained; and
4. Confirm deletion of all such materials and any derivative copies.

We appreciate your prompt attention to this matter and request written confirmation of compliance at your earliest convenience.

Thanks,

Damon

Damon M. Seligson, Esq.
Shareholder

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