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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,

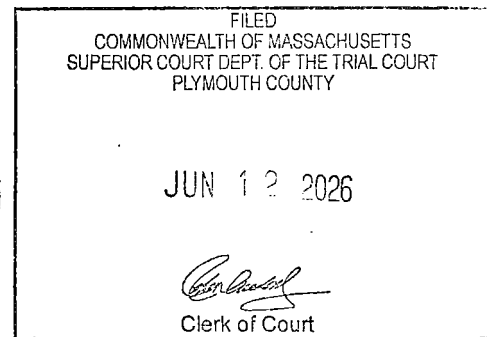
Plaintiffs,

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



**MOTION TO CLARIFY THE RECORD**

On June 8, 2026, the Court heard arguments concerning Michael Proctor's Emergency Motion for Protective Order. During the morning portion of the hearing, the Court stated that it was unreasonable for Karen Read's legal team not to have provided notice to Mr. Proctor's counsel that Read planned to file a separate lawsuit in Bristol Superior Court against the Massachusetts State Police ("MSP") and Town of Canton, through its Police Department ("CPD") days before his scheduled deposition on June 8, 2026. The Court also cited Comment 4 to Rule 3.5 of the Massachusetts Rules of Professional Conduct in connection with this filing, suggesting that this alleged failure to provide notice was somehow improper. The Court also referenced the fact that Ms. Read and her counsel appeared on television on Friday, June 5th.

Because none of these facts or arguments had been raised or addressed by any of the parties prior to the Court's statements, Read did not have an opportunity to address the issues. The Court's statements were reduced to a written order (the "Order"), at Doc. No. 115.

The hearing was continued until later in the afternoon at which time counsel for Read requested to be heard regarding the Court's prior statements and the Order. The Court denied counsel's request but invited Read to address the Order in writing.<sup>1</sup> Accordingly, Read submits this Motion to Clarify the Record concerning the Court's statements at hearing and in its Order.

The Court acknowledged in statements during the hearing and in the Order that no Rule required Read to provide a deponent with any information in advance of a deposition (other than logistical requirements in the relevant Notice).

However, Read's counsel **did** in fact make Mr. Proctor (and the general public) aware that this Complaint against the MSP and CPD would be filed, **and when it would be** filed. They did so more than a month in advance, **after** the June 8th deposition date was set. Specifically, on April 3, 2026, Mr. Proctor's counsel accepted service of the subpoena for the June 8, 2026 deposition. On April 23, 2026, Read's counsel appeared at a hearing in a separate criminal proceeding before Judge Michael Doolin, explicitly sought the right to use the messages contained in Mr. Proctor's personal phone in a civil complaint against MSP and CPD, and specifically told Judge Doolin that the Complaint would be filed shortly after the presentment period expired in mid-May. **Mr. Proctor's counsel was sitting next to Read's counsel when he explained this to Judge Doolin.** Indeed, Read's lawyers have been publicly stating their intent

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<sup>1</sup> To address and respond to the Court's statements without the need for a formal Motion, Read's counsel sent a letter to the Court on June 8, 2026, addressing these topics, and simultaneously e-filed that letter with the clerk's office. However, the letter was eventually rejected for filing.

to bring this Complaint since September 2025, when Read's counsel laid out her future claims in the first status conference in this case.

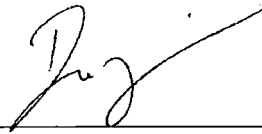
Finally, Read's counsel provided MSP with additional advance notice of the lawsuit, and an advance copy of the Complaint. Read's counsel have a good faith basis to believe that the draft Complaint was either given to counsel for CPD or the substance of the lawsuit was conveyed to CPD because Sargent Sean Goode then abruptly resigned two days before the lawsuit was filed.

Accordingly, Read seeks to clarify the record created at the hearing concerning the notice required and provided prior to her filing of her separate case against MSP and CPD and its lack of impact on Mr. Proctor's availability for deposition.

Respectfully submitted,

KAREN READ,

By her attorneys,



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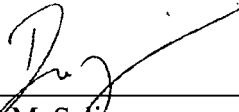
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Dated: June 12, 2026

**CERTIFICATE OF SERVICE**

I certify that a copy of this document was served on all counsel of record by email on June 12, 2026.

  
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Damon M. Seligson