

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 REPLY IN SUPPORT OF MOTION TO COMPEL THE
TOWN OF CANTON TO PRODUCE DOCUMENTS PURSUANT
TO NON-PARTY SUBPOENA**

The limited documents Read's subpoena seeks are directly relevant to this case and well within the scope of discovery. Producing them will not unduly burden the Town.

As the Court knows, Read was tried for, and acquitted of, the murder of John O'Keefe III. She argued in her criminal defense that she was framed and that the investigation was corrupt, biased, and otherwise tainted. Plaintiffs are now suing Read for wrongful death on the same theory the Commonwealth pursued in the criminal case. They have also brought intentional and negligent infliction of emotional distress claims against Read based specifically on her allegations regarding the police investigation and prosecution.

The first participants in that investigation were members of the Canton Police Department (“CPD”). The CPD officer who received the 911 call concerning Mr. O’Keefe was Sergeant Sean Goode, who then was one of the first officers to respond to 34 Fairview Road, where Mr. O’Keefe was found. In fact, Goode testified at Read’s criminal trial.

Read’s subpoena to the Town seeks disciplinary records relating to Sgt. Goode, including documents gathered as part of the CPD’s investigation of Sgt. Goode’s troubling communications with former State Police Trooper Michael Proctor, who was the lead detective on the O’Keefe investigation and arrested Read. Indeed, CPD’s investigation into Goode came in the aftermath of a jury finding Read innocent of all charges relating to O’Keefe’s death, and the discovery of thousands of messages on Proctor’s phone, including many to and from Goode. Goode and Proctor have been close friends for over a decade and were or are part of a small group chat in which they shared messages with each other about various topics. The disciplinary history of one of the first officers on scene and his relationship with the lead detective on the case are directly relevant to the nature and reliability of the investigation, which is at the core of a number of Plaintiffs’ claims. As a result, those documents are well within the scope of discovery.

The Town’s only other basis for opposing Read’s Motion is that the CPD investigation of Sgt. Goode is ongoing. The Town claims that this private employment matter allows it to disregard a legally-issued subpoena and refuse to produce documents until the Town decides that investigation is completed, thereby controlling the timing of its own discovery obligations without regard to Read’s rights or the Court’s case schedule. The Town does not cite a single case supporting this proposition (or any other proposition). On the other hand, Read’s Memorandum of Law in Support of her Motion cites multiple cases that contradict the Town’s position. Read

will not reiterate her earlier explanation here. The Town may not withhold these documents based on the status of its own internal investigation.

Finally, the Town's Opposition contains a number of mischaracterizations of the parties' conversations and Read's attempts to comply with Rule 9C. Attached as Exhibit 1 are two email chains that reflect those attempts. Read will not rehash them in full here. However, it is particularly disingenuous for the Town to suggest (without any evidence whatsoever) that Read would immediately provide documents relating to the Goode investigation to the media. As the Town knows, and as is reflected in Exhibit 1, Read agreed to consider confidentiality restrictions on these documents while the investigation was pending to allay the Town's concerns. Ex. 1, Feb. 10, 2026, 10:10 AM email. Despite initially indicating interest in this proposal, the Town elected to instead ignore it, object to producing any documents under any circumstances, then suggest to the Court that the offer never existed. In any event, there is no legal basis for the Town's position.

Respectfully submitted,

KAREN READ,

By her attorneys,

/s/ Aaron D. Rosenberg

Damon M. Seligson (BBO# 632763)
Charles M. Waters (BBO# 631425)
Aaron D. Rosenberg (BBO# 684826)
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Dated: April 8, 2026

CERTIFICATE OF SERVICE

I certify that I served a copy of this document on all counsel of record and on counsel to the Town by email on April 8, 2026.

/s/ Aaron D. Rosenberg

Aaron D. Rosenberg

EXHIBIT 1

From: Aaron D. Rosenberg
Sent: Friday, February 20, 2026 4:30 PM
To: David Kouroyen
Cc: Chris Kenny; dlouison@lccplaw.com; Jaime Kenny; Damon M. Seligson; Charles M. Waters
Subject: RE: Canton Subpoena - O'Keefe v. C& C Hospitality, et al. Civil Action No. 2483CV00692
Attachments: Canton Subpoena - O'Keefe v. C& C Hospitality, et al. Civil Action No. 2483CV00692

David,

I assume the attached email/letter means that you are now refusing to provide any documents in response to this subpoena, even if we agree to confidentiality provisions, despite our numerous attempts to confer, our offer to work with you to address your client's concerns, and your colleague's prior statement to me that the documents in question do not exist in the Department's or Town's possession, custody, or control, which your letter does not assert. Please confirm that I understand your response correctly and, if so, please let me know when you are available on Monday to confer pursuant to Rule 9C in advance of an immediate Motion to Compel, as Judge Gildea has urged us to do in this case.

Thanks,

Aaron

Aaron D. Rosenberg

SHEEHAN PHINNEY

28 State Street, 22nd Floor, Boston, MA 02109

T 617.897.5664

arosenberg@sheehan.com

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From: David Kouroyen <david@cliffordkennylaw.com>
Sent: Wednesday, February 11, 2026 10:43 AM
To: Aaron D. Rosenberg <arosenberg@sheehan.com>
Cc: Chris Kenny <chris@cliffordkennylaw.com>; dlouison@lccplaw.com; Jaime Kenny <jaime@cliffordkennylaw.com>; Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>
Subject: Re: Canton Subpoena - O'Keefe v. C& C Hospitality, et al. Civil Action No. 2483CV00692

Aaron,

Yes, as discussed, I accept service on behalf of the Canton Police Department. My office is coordinating with the Department and I will hopefully be able to follow up with you shortly regarding the subpoena.

Sincerely,
David K. Kouroyen, Jr., Esq.

From: "Aaron D. Rosenberg" <arosenberg@sheehan.com>
Date: Wednesday, February 11, 2026 at 10:29 AM
To: David Kouroyen <david@cliffordkennylaw.com>
Cc: Chris Kenny <chris@cliffordkennylaw.com>, "dlouison@lccplaw.com" <dlouison@lccplaw.com>, Jaime Kenny <jaime@cliffordkennylaw.com>, "Damon M. Seligson" <dseligson@sheehan.com>, "Charles M. Waters" <cwaters@sheehan.com>
Subject: RE: Canton Subpoena - O'Keefe v. C& C Hospitality, et al. Civil Action No. 2483CV00692

Please confirm today that you accept service of the attached subpoena. Otherwise, we will serve the department directly.

Aaron D. Rosenberg

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T 617.897.5664
arosenberg@sheehan.com
www.sheehan.com



From: Aaron D. Rosenberg
Sent: Tuesday, February 10, 2026 10:10 AM
To: David Kouroyen <david@cliffordkennylaw.com>
Cc: Chris Kenny <chris@cliffordkennylaw.com>; dlouison@lccplaw.com; Jaime Kenny <jaime@cliffordkennylaw.com>; Damon M. Seligson <dseligson@sheehan.com>; Charles M. Waters <cwaters@sheehan.com>
Subject: RE: Canton Subpoena - O'Keefe v. C& C Hospitality, et al. Civil Action No. 2483CV00692

David/Chris,

Thanks for the time last week. As we discussed, attached is a second, more discrete subpoena specifically relating to the investigation into Sgt. Goode, any misconduct, and communications between Sgt. Goode and relevant individuals in our case. Please confirm that you accept service of this subpoena on behalf of the Town of Canton/Canton Police Department.

During our call last week, I explained that I had given the Town the benefit of the doubt when Jaime told me that the Town (including its counsel) did not possess further documents that would be responsive to requests like this. It sounds like the Town may now possess at least some such documents, and they need to be produced. I understand that the Town has some concern about disclosing documents relevant to an active investigation, and, although that is not a valid objection to a properly-issued subpoena in a civil case, I am willing, as I said on the phone, to consider limited confidentiality restrictions on these documents, which would be effective until the investigation is completed. If you would like to propose such restrictions, let me know. Otherwise, please produce responsive documents pursuant to the subpoena.

Thanks,

Aaron

Aaron D. Rosenberg

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T 617.897.5664

arosenberg@sheehan.com

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From: Aaron D. Rosenberg <arosenberg@sheehan.com>

Sent: Monday, February 2, 2026 8:17 AM

To: David Kouroyen <david@cliffordkennylaw.com>

Cc: Chris Kenny <chris@cliffordkennylaw.com>; dlouison@lccplaw.com; Jaime Kenny <jaime@cliffordkennylaw.com>

Subject: Re: Canton Subpoena - O'Keefe v. C&C Hospitality, et al. Civil Action No. 2483CV00692

When are we speaking this week?

Aaron D. Rosenberg

Sheehan Phinney Bass & Green, PA

(617) 897-5664

arosenberg@sheehan.com

From: Aaron D. Rosenberg

Sent: Friday, January 30, 2026 4:03:28 PM

To: David Kouroyen <david@cliffordkennylaw.com>

Cc: Chris Kenny <chris@cliffordkennylaw.com>; dlouison@lccplaw.com <dlouison@lccplaw.com>; Jaime Kenny <jaime@cliffordkennylaw.com>

Subject: RE: Canton Subpoena - O'Keefe v. C&C Hospitality, et al. Civil Action No. 2483CV00692

Yes, I'm available Thursday at 2pm or 4pm and Friday any time after 1pm.

Aaron D. Rosenberg

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T 617.897.5664

arosenberg@sheehan.com

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From: David Kouroyen <david@cliffordkennylaw.com>

Sent: Friday, January 30, 2026 3:59 PM

To: Aaron D. Rosenberg <arosenberg@sheehan.com>

Cc: Chris Kenny <chris@cliffordkennylaw.com>; dlouison@lccplaw.com; Jaime Kenny <jaime@cliffordkennylaw.com>

Subject: Canton Subpoena - O'Keefe v. C& C Hospitality, et al. Civil Action No. 2483CV00692

Hello Attorney Rosenberg,

I am emailing to follow up with your previous correspondence with attorney Kenny from my office and your requests for additional records related to the Subpoena issued to the Town on Canton on or about July 22, 2025. I was hoping to set up a call for us to briefly discuss the matter. Do you have some availability next Thursday or Friday afternoon for a conference call?

Sincerely,

David K. Kouroyen, Jr., Esq.

Clifford & Kenny, LLP

31 Schoosett Street, Unit 405

Pembroke, MA 02359

Phone (781) 924-5796

Fax (781) 924-5798

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This email has been scanned for viruses and malware, and automatically archived by Mimecast.

From: Aaron D. Rosenberg
Sent: Monday, March 23, 2026 7:41 PM
To: David Kouroyen
Cc: Chris Kenny; Damon M. Seligson; Charles M. Waters; Art Maravelis; Thomas Tang; Michael Bell; Sarah Shipley
Subject: RE: Canton Subpoena - O'Keefe v. C& C Hospitality, et al. Civil Action No. 2483CV00692
Attachments: Read - MOL Motion to Compel - Town of Canton (FINAL).pdf; Read - Motion to Compel - Town of Canton (FINAL).pdf

Attached is Defendant Karen Read's Motion to Compel the Town of Canton to Produce Documents Pursuant to Non-Party Subpoena and her Memorandum of Law in Support. I understand from our previous phone conversations and email exchanges that you are not willing to produce any documents in response to the relevant subpoena. If I am incorrect, or if you believe further conversation pursuant to Superior Court Rule 9C would be productive, please let me know and I'd be happy to schedule a time with you.

Aaron D. Rosenberg

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From: David Kouroyen <david@cliffordkennylaw.com>
Sent: Friday, February 20, 2026 4:22 PM
To: Aaron D. Rosenberg <arosenberg@sheehan.com>
Cc: Chris Kenny <chris@cliffordkennylaw.com>
Subject: Canton Subpoena - O'Keefe v. C& C Hospitality, et al. Civil Action No. 2483CV00692

Attorney Rosenberg ,

Enclosed please find the Canton Police Department's objection(s) to the subpoena regarding the above referenced matter. A physical copy has been mailed to your attention as well.

Sincerely,
David K. Kouroyen, Jr., Esq.
Clifford & Kenny, LLP
31 Schoosett Street, Unit 405

Pembroke, MA 02359
Phone (781) 924-5796
Fax (781) 924-5798
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