

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.

Civil Action No. 2483cv00692

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 OF LAW IN SUPPORT OF MOTION TO COMPEL MICHAEL
PROCTOR TO PRODUCE DOCUMENTS PURSUANT TO SUBPOENAS**

Defendant Karen Read ("Read") respectfully requests that the Court compel former Massachusetts State Police Trooper Michael Proctor ("Proctor") to produce documents due as long as three months ago. Read served a subpoena (the "First Subpoena") on Proctor in hand in July 2025. Read also served a second subpoena (the "Second Subpoena") seeking a discrete set of additional documents in October 2025. Proctor acknowledged receiving both Subpoenas and requested repeated extensions to respond. However, to date, Proctor has failed to meet all new agreed-to deadlines and has not substantively responded to either Subpoena or produced any documents. The Court should compel him to do so.

Facts

Plaintiffs allege that Read backed her car into John O'Keefe III on January 29, 2022 and caused his death. They also allege that Read created a "false narrative" that someone else killed Mr. O'Keefe, and that the police investigation into his death was corrupt, biased, and designed to deflect attention away from the law enforcement officers and their families who were inside the house at 34 Fairview Road in Canton the night Mr. O'Keefe died. Compl., Doc. No. 1. ¶¶ 52, 126, 134, 142, 160. Plaintiffs claim Read's assertion of this alleged "false narrative" supports their "Negligent/Reckless Infliction of Emotional Distress" claims against Read. *Id.*

In an effort to defend against Plaintiffs' claims by, in part, proving that this "narrative" is actually true, on July 23, 2025, Read served the First Subpoena on Proctor by hand. Proctor led the investigation into Mr. O'Keefe's death, which led to Read's arrest and prosecution. He is central to the "narrative" on which Plaintiffs rely. The First Subpoena requires Proctor to appear for deposition and seeks various categories of documents, including all documents and communications concerning Read, Mr. O'Keefe, the investigation into Mr. O'Keefe's death, other potential witnesses and suspects, and other relevant topics.¹ The First Subpoena required Proctor to produce these documents by August 5, 2025.

On July 28th, Attorney Daniel Moynihan, Proctor's counsel in his administrative appeal of his termination from the Massachusetts State Police, contacted Read's counsel, stated that he was "confirming" that his office would represent Proctor in connection with this case, and asked Read's counsel to continue the deposition and wait a week before settling on a new date for the production of documents. Read's counsel agreed. But Attorney Moynihan did not follow up and did not respond to further emails from Read's counsel on August 27th or September 11th.

¹ A true and accurate copy of the First Subpoena, including the Return of Service, is attached as Exhibit I.

On September 15th, Read's counsel sent a letter to Attorney Moynihan's office, demanding a response. The next day, another attorney from Attorney Moynihan's office, Mark Russell, responded to Read's counsel. Attorney Russell indicated that his firm had *not* been retained to represent Proctor in connection with this case, and did not propose any new deadline for Proctor's response to the Subpoena. Read's counsel followed up multiple times to clarify if Attorneys Moynihan's and Russell's firm was authorized to speak on Proctor's behalf in connection with the Subpoena. Ultimately Attorney Moynihan stated the firm was not, and claimed that he was only trying to "facilitate" a response. Read's counsel explained that he needed to confer with counsel who actually represents Proctor in connection with the First Subpoena to see if the parties could agree to a new production deadline and avoid motion practice. No new counsel appeared, and Proctor did not produce any documents or written response to the First Subpoena.

On October 22, 2025, Read served Proctor with the Second Subpoena², which relates only to documents concerning certain "disclosures" made to Attorney Moynihan the previous week by the Norfolk District Attorney's Office and Proctor's decision to abruptly withdraw his administrative appeal as a result of these revelations. The Second Subpoena was left at Proctor's last and usual address.

After receiving the Second Subpoena, Proctor called Read's counsel directly on October 24th, and left a message. They spoke on October 27th. During that call, Proctor confirmed that he was not presently represented by counsel, and explained that he needed more time to produce documents because he was in the process of finding counsel. Read's counsel explained that it had been months since Proctor had received the Subpoena and that Read would move to compel

² A true and accurate copy of the Second Subpoena, including the Return of Service, is attached as Exhibit 2.

production if Proctor did not agree to an acceptable date by which he would produce documents. Proctor asked Read's counsel not to serve such a Motion that week to allow Proctor to engage counsel. Read's counsel agreed, and Proctor said his new counsel would reach out by October 31st. No new counsel appeared for Proctor by that date. Indeed, as of the date of this motion, no counsel has appeared for Proctor.

Instead, Proctor called Read's counsel again on October 31st and said that Read's Motion to Add Parties, which had been served in the interim, had caused the attorney he planned to hire to refuse the engagement. Proctor asked for even more time. Read's counsel explained that he could not agree to further delays where the documents in question had been due three months earlier. Proctor has not objected to either of the Subpoenas.

Analysis

The Court should compel Proctor to produce all documents and information in his possession, custody, or control that are responsive to the Subpoenas. The Subpoenas seek potential evidence that would be highly relevant to the truth of the alleged "false narrative" Plaintiffs rely on for their emotional distress claims. Proctor led the investigation into Mr. O'Keefe's death for the Massachusetts State Police and was a primary focus of the allegations and statements Read made, which Plaintiffs claim caused them harm. Specifically, Read has alleged that Proctor deliberately ignored, manipulated, and falsified evidence to direct the investigation away from other potential suspects and towards Read. It is vital to her defense that she be permitted to, among other things, prove that such allegations were true when she made them, and Proctor's documents are directly relevant to that point. Therefore, they are well within the scope of discovery.

Although Read cooperated with many of Proctor's requests for extensions to avoid the need for motion practice, it has been three months since the vast majority of the documents were due and Proctor has not committed to any deadline for production and is not, to Read's knowledge, currently represented by counsel with whom Read's counsel can confer. Therefore, the Court should order Proctor to comply with his obligations and produce documents.

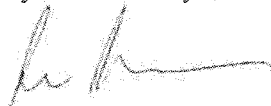
Conclusion

For the foregoing reasons, Read respectfully requests that the Court allow the Motion and compel Proctor to produce all documents and information responsive to the Subpoenas within ten (10) days of the Court's Order.

Respectfully submitted.

KAREN READ.

By her attorneys,



Damon M. Seligson (BBO# 632763)

Charles M. Waters (BBO# 631425)

Aaron D. Rosenberg (BBO# 684826)

Sheehan Phinney Bass & Green, PA

28 State Street, 22nd Floor

Boston, MA 02109

617.897.5600

dseligson@sheehan.com

cwaters@sheehan.com

arosenberg@sheehan.com

WERKSMAN JACKSON & QUINN LLP

Alan J. Jackson, *pro hac vice*

Caleb E. Mason, *pro hac vice*

Elizabeth S. Little, *pro hac vice*

Werksman Jackson & Quinn LLP

888 West Sixth Street, Fourth Floor

Los Angeles, CA 90017

(213) 688-0460

ajackson@werksmanjackson.com

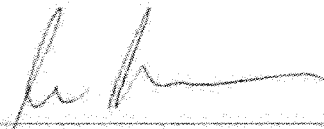
cmason@werksmanjackson.com

elittle@werksmanjackson.com

Dated: November 7, 2025

CERTIFICATE OF SERVICE

I certify that a copy of this document was served on all counsel of record by email and on Michael Proctor by hand on November 7, 2025.



Aaron D. Rosenberg

Dated: November 7, 2025

EXHIBIT 1

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,

Civil Action No. 2483cv00692

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.

SUBPOENA

To: Michael Proctor
6 Wentworth Road
Canton, MA 02021

GREETINGS, YOU ARE HEREBY COMMANDED, in the name of the

Commonwealth of Massachusetts, pursuant to the provisions of Rule 45 of the Massachusetts
Rules of Civil Procedure, to produce the documents identified in the attached Schedule A at the
offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston,
Massachusetts 02109, on or before **August 5, 2025, at 10:00 a.m.**¹

¹ To arrange electronic production of the requested documents, please contact Attorney Aaron Rosenberg at (617) 897-5664, arosenberg@sheehan.com.

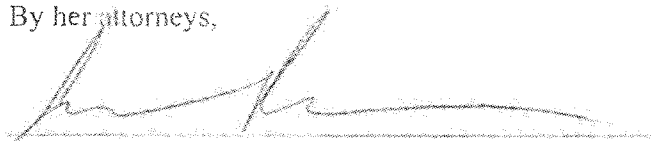
YOU ARE FURTHER COMMANDED to appear at the offices of Sheehan Phinney Bass & Green P.A. 28 State Street, 22nd Floor, Boston, Massachusetts 02109, on **August 28, 2025, at 10:00 a.m.**, and to testify as to your knowledge, at the taking of a deposition in the above-entitled action, before a Notary Public in and for the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths. The deposition will continue day to day as necessary and will be recorded stenographically and by audio-visual means.

HEREOF FAIL NOT, as failure by any person without adequate excuse to obey a subpoena served upon him may be deemed a contempt of the court in which the action is pending.

Respectfully submitted,

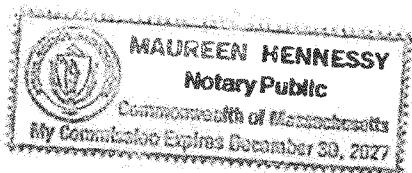
KAREN READ,

By her attorneys,



Damon M. Seligson (BBO# 632763)
Charles M. Waters (BBO# 631425)
Aaron D. Rosenberg (BBO# 684826)
Sheehan Phinney Bass & Green, P.A.
28 State Street, 22nd Floor
Boston, MA 02109
617.897.5600
dseligson@sheehan.com
cwaters@sheehan.com
arosenberg@sheehan.com

Dated: July 22, 2025




Notary Public
My Commission Expires: 12/30/27

CERTIFICATE OF SERVICE

I certify that a copy of this document was served on all counsel of record by email on
July 22, 2025.

A handwritten signature in black ink, appearing to read 'Aaron D. Rosenberg', written over a horizontal line.

Aaron D. Rosenberg

SCHEDULE A
DEFINITIONS

Unless specifically indicated, or otherwise required by the context in which the terms, names, and instructions are used:

1. “**Document**” or “**documents**” means all written, printed, typed, or other graphic matter; all print-outs and run-offs now, or at any time, in your possession, custody or control, or known to you, whether or not prepared by you. “Document” or “documents” includes, but is not limited to, all correspondence, agreements, memoranda, reports, notes, drafts of documents, internal communications, interoffice communications, telegrams, letters, directives, bulletins, accounts, vouchers, invoices, bills, ledgers, financial statements, analyses, estimates, maps, charts, graphs, drawings, work sheets, minutes, and summaries of meetings, conversations, or communications of any type, including telephone conversations and telephone messages, text messages, electronically stored information, electronic mail, instant messages, and information stored on CD-ROM and/or tape. “Document” or “documents” also include all copies and drafts which are not identical to the original.

2. A “**recording**” means any original or copies, either full or partial, of any responsive audio or video recording, including all metadata associated with such recordings. “Recording” also includes any derivative works or derivative video or audio compilations.

3. The term “**concerning**” means referring to, relating to, describing, evidencing, or constituting.

4. The term “**communication**” means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise) in whatever form, written or verbal or otherwise.

5. “**Representative**” or “**representatives**” used with reference to a person or entity, means (a) any past or present officer, director, partner, associate, employee, servant, agent, subsidiary, affiliate, legal counsel, or any agent of such persons; and (b) any other persons acting on behalf of, or in concert with, such persons, including, without limitation, insurance brokers or agents, auditors, actuaries, and consultants of any type.

6. “**Relate(s) to,**” “**related to,**” or “**relating to**” means to refer to, reflect, concern, pertain to, or in any manner be connected with the matter discussed.

INSTRUCTIONS

1. **Documents Withheld.** If any document is withheld under a claim of privilege or other protection, so as to aid the Court and the parties hereto to determine the validity of the claim of privilege or other protection, please provide the following information with respect to any such documents:

- (a) the identity of the person(s) who prepared the document, who signed it, and over whose name it was sent or issued;
- (b) the identity of the person(s) to whom the document was directed;
- (c) the nature and substance of the document with sufficient particularity to enable the Court and parties hereto to identify the document;
- (d) the date of the document;
- (e) the identity of the person(s) who has custody of, or control over the document and each copy thereof;
- (f) the identify of each person to whom copies of the document were furnished;
- (g) the number of pages;
- (h) the basis on which any privilege or other protection is claimed; and,
- (i) whether any non-privileged or non-protected matter is included in the document.

2. **Partial Production.** If you object to a particular request, or portion thereof, you must produce all documents called for which are not subject to that objection. Similarly, wherever a document is not produced in full, please state with particularity the reason or reasons it is not being produced in full, and describe, to the best of your knowledge, information and belief, and with as much particularity as possible, those portions of the document which are not produced.

3. Orderly Response. Wherever it is reasonably practicable, please produce documents in such manner as will facilitate their identification with the particular request or category of requests to which they are responsive.

4. Construction of "and" and "or". As used herein, the words "and" and "or" shall be construed both conjunctively and disjunctively, and each shall include the other wherever such dual construction will serve to bring within the scope of these requests and any documents which would otherwise not be brought within its scope.

5. Construction of the Singular and Plural Forms. As used herein, the singular form shall include the plural and vice versa whenever such dual construction will serve to bring within the scope of these requests any documents which would otherwise not be brought within its scope.

6. Format for Production. For all documents currently stored in electronic format, produce those documents in their electronic, native form with all metadata intact. For example, emails should be produced in .pst format and audio and video recordings should be produced in their native forms with all metadata intact. If you intend to produce documents in a format other than that specified in these instructions, please notify Plaintiff's counsel before making the production.

7. Supplementation Required. To the extent you obtain possession, custody, or control of a document that is responsive to these requests after you make your production in response to these requests, you must supplement that initial production with the newly acquired document.

DOCUMENT REQUESTS

1. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, to, from, or concerning

Karen Read, or any of her family members, heirs, assigns, employees, contractors, agents, attorneys, or other representatives.

2. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, concerning the 2021 black Lexus LX 570 SUV leased by Karen Read as of January 28, 2022.

3. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, concerning or referring to the death of John J. O'Keefe, III on or about January 29, 2022.

4. All documents, video or audio recordings, or communications, including but not limited to emails, text messages, and other forms of instant messages, to, from, or concerning John O'Keefe, II, Paul O'Keefe, or Margaret O'Keefe from January 1, 2021 to the present.

5. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, to, from, or concerning Brian Albert, Nicole Albert, Chris Albert, Julie Albert, Colin Albert, Brian Higgins, Jennifer McCabe, Matthew McCabe, Allison McCabe, Kerry Roberts, or any other individual present at 34 Fairview Road, Canton, Massachusetts 02021 on January 28 or January 29, 2022, or any interviews, meetings, conversations, or encounters with any such individuals, from January 1, 2021 to the present.

6. Provide for forensic examination and copying all cellular or smart phones, computers, tablets, smart watches, GPS devices, motor vehicle navigation systems, or other electronic devices that record their location or can facilitate communication of any kind, which you used either personally or professionally at any time from January 1, 2021 through the present.

7. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, to, from, or concerning any member of the Canton Police Department from January 28, 2022 through the present.

8. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, to, from, or concerning any member of the Boston Police Department from January 28, 2022 through the present.

9. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, concerning 34 Fairview Road, Canton, Massachusetts 02021.

10. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, concerning any dog owned, kept, or fostered by any member of the Albert family at 34 Fairview Road, Canton, Massachusetts 02021, from January 1, 2021 to the present.

11. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, concerning any investigation by any federal agency, department, board, administration, office, or agent relating in any way to the death of John J. O'Keefe, III from January 28, 2022 to the present.

12. Any documents, video or audio recordings, or communications, including but not limited to emails, text messages, and other forms of instant messages, concerning any gifts or items received from any member of the Albert, McCabe, Roberts, or Higgins families from January 28, 2022 to the present, including but not limited to copies, photographs, or other representations of any such gifts.

13. All documents, video or audio recordings, and communications, including but not limited to emails, text messages, and other forms of instant messages, to, from, or concerning Yuri Bukhenik from January 28, 2022 to the present.

14. All documents, video or audio recordings, and communications concerning any disciplinary investigation, proceeding, decision, action, or appeal concerning your conduct as a Trooper or other rank within the Massachusetts State Police, from January 1, 2021 through the present.

15. All records of any iCloud or other backup data that includes any documents, communications, messages, or other data including metadata that were sent, received, created, edited, stored, copied, altered, or accessed between January 28, 2022 and the present.

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, I.L.C 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 SERVICE

I, Brent A. Bellamy, on oath depose and state as follows:

1. I am a private investigator at Airde Group, Inc. ("Airde"), a full-service private investigation company bearing Commonwealth of Massachusetts Private Investigator License Number LP0518K. I have been a private investigator for over 10 years.

2. Deponent is not a party herein and is a competent adult over 18 years of age.

3. Airde was retained by Aaron D. Rosenberg, Esq. of Sheehan Phinney Bass & Green, PA, 28 State Street, 22nd Floor, Boston, MA 02109, to obtain service of subpoena upon Michael Proctor in-hand. Airde received said subpoena on July 22, 2025.

4. On July 23, 2025, I served a true copy of the subpoena in-hand to Michael Proctor at his last and usual address — 6 Wentworth Road, Canton, MA 02021, at approximately 6:53AM. Mr. Proctor confirmed his identity upon receiving the subpoena. I was able to identify Michael Proctor as he matched

photographs obtained via online media sources. Mr. Proctor was also entering a vehicle registered to Michael D. Proctor at his last and usual address per in-house database research. Mr. Proctor took the subpoena in-hand after briefly reviewing it.

I confirm that all the above statements are to the best of my knowledge true and correct.

Signed under the pains and penalties of perjury this 23rd day of July 2025.

B-1B-14
Brent A. Bellamy, Investigator

Before me, Theresa Poste Mansfield Notary Public

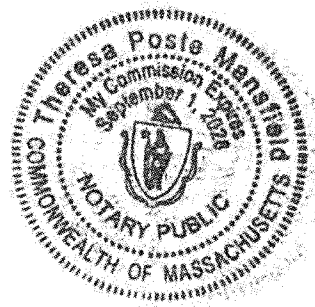


EXHIBIT 2

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS

SUPERIOR COURT DEPARTMENT

PAUL O'KEEFE, as Personal
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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,

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WATERFALL BAR & GRILL, and
KAREN READ,

Defendants.

SUBPOENA

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Canton, MA 02021

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offices of Sheehan Phinney Bass & Green PA, 28 State Street, 22nd Floor, Boston,
Massachusetts 02109, on or before **October 27, 2025, at 10:00 a.m.**¹

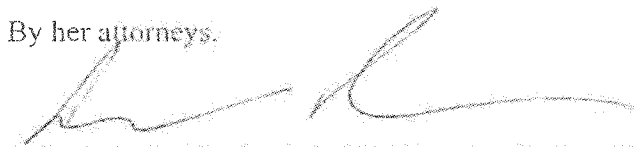
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HEREOF FAIL NOT, as failure by any person without adequate excuse to obey a subpoena served upon him may be deemed a contempt of the court in which the action is pending.

Respectfully submitted.

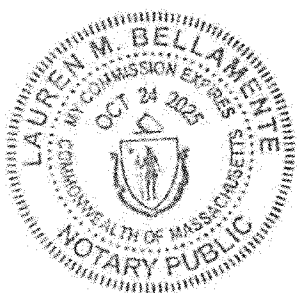
KAREN READ,

By her attorneys.



Damon M. Seligson (BBO# 632763)
Charles M. Waters (BBO# 631425)
Aaron D. Rosenberg (BBO# 684826)
Sheehan Phinney Bass & Green, PA
28 State Street, 22nd Floor
Boston, MA 02109
617.897.5600
dseligson@sheehan.com
cwaters@sheehan.com
arosenberg@sheehan.com

Dated: October 20, 2025




Notary Public
My Commission Expires: 10/24/25

CERTIFICATE OF SERVICE

I certify that a copy of this document was served on all counsel of record by email on October 20, 2025.



Aaron D. Rosenberg

SCHEDULE A

DEFINITIONS

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4. The term **“communication”** means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise) in whatever form, written or verbal or otherwise.

5. **“Representative”** or **“representatives”** used with reference to a person or entity, means (a) any past or present officer, director, partner, associate, employee, servant, agent, subsidiary, affiliate, legal counsel, or any agent of such persons; and (b) any other persons acting on behalf of, or in concert with, such persons, including, without limitation, insurance brokers or agents, auditors, actuaries, and consultants of any type.

6. "Relate(s) to," "related to," or "relating to" means to refer to, reflect, concern, pertain to, or in any manner be connected with the matter discussed.

INSTRUCTIONS

1. **Documents Withheld.** If any document is withheld under a claim of privilege or other protection, so as to aid the Court and the parties hereto to determine the validity of the claim of privilege or other protection, please provide the following information with respect to any such documents:

- (a) the identity of the person(s) who prepared the document, who signed it, and over whose name it was sent or issued;
- (b) the identity of the person(s) to whom the document was directed;
- (c) the nature and substance of the document with sufficient particularity to enable the Court and parties hereto to identify the document;
- (d) the date of the document;
- (e) the identity of the person(s) who has custody of, or control over the document and each copy thereof;
- (f) the identify of each person to whom copies of the document were furnished;
- (g) the number of pages;
- (h) the basis on which any privilege or other protection is claimed; and,
- (i) whether any non-privileged or non-protected matter is included in the document.

2. **Partial Production.** If you object to a particular request, or portion thereof, you must produce all documents called for which are not subject to that objection. Similarly, wherever a document is not produced in full, please state with particularity the reason or reasons it is not being produced in full, and describe, to the best of your knowledge, information and belief, and with as much particularity as possible, those portions of the document which are not produced.

3. Orderly Response. Wherever it is reasonably practicable, please produce documents in such manner as will facilitate their identification with the particular request or category of requests to which they are responsive.

4. Construction of "and" and "or" As used herein, the words "and" and "or" shall be construed both conjunctively and disjunctively, and each shall include the other wherever such dual construction will serve to bring within the scope of these requests and any documents which would otherwise not be brought within its scope.

5. Construction of the Singular and Plural Forms. As used herein, the singular form shall include the plural and vice versa whenever such dual construction will serve to bring within the scope of these requests any documents which would otherwise not be brought within its scope.

6. Format for Production. For all documents currently stored in electronic format, produce those documents in their electronic, native form with all metadata intact. For example, emails should be produced in .pst format and audio and video recordings should be produced in their native forms with all metadata intact. If you intend to produce documents in a format other than that specified in these instructions, please notify Plaintiff's counsel before making the production.

7. Supplementation Required. To the extent you obtain possession, custody, or control of a document that is responsive to these requests after you make your production in response to these requests, you must supplement that initial production with the newly acquired document.

DOCUMENT REQUESTS

1. All communications with or concerning the Norfolk District Attorney's Office, or any employee, agent, attorney, or other representative of that Office, from July 1, 2025 to the present.

2. All documents received from the Norfolk District Attorney's Office, or any employee, agent, attorney, or other representative of that Office, from July 1, 2025 to the present.

3. All non-privileged documents and communications relating to the "recent disclosure" Brian Moynihan referenced in media reports about why you withdrew your appeal of your termination from the Massachusetts State Police. One such media report may be found for your reference at <https://www.nbcboston.com/news/local/michael-proctor-mass-police-appeal-update/3830448/#>.

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,

Civil Action No. 2483cv00692

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.

AFFIDAVIT OF SERVICE

I, Tom E. Zoller, on oath depose and state as follows:

1. I am a private investigator at Airde Group, Inc. ("Airde"), a full-service private investigation company bearing Commonwealth of Massachusetts Private Investigator License Number LP0518K. I have been a private investigator for over 40 years.

2. Deponent is not a party herein and is a competent adult over 18 years of age.

3. Airde was retained by Aaron D. Rosenberg, Esq. of Sheehan Phinney Bass & Green, PA, 28 State Street, 22nd Floor, Boston, MA 02109, to obtain service of subpoena upon Michael Proctor. Airde received said subpoena on October 20, 2025.

4. On October 22, 2025, I served by delivering a true copy of the subpoena to Michael Proctor at his last and usual abode – 6 Wentworth Road, Canton, MA 02021, at approximately 2:34PM.

I confirm that all the above statements are to the best of my knowledge true and correct.

Signed under the pains and penalties of perjury this 27 day of October 2025.

Tom E. Zoller, Investigator

Before me,

Theresa Poste Mansfield Notary Public

