

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss

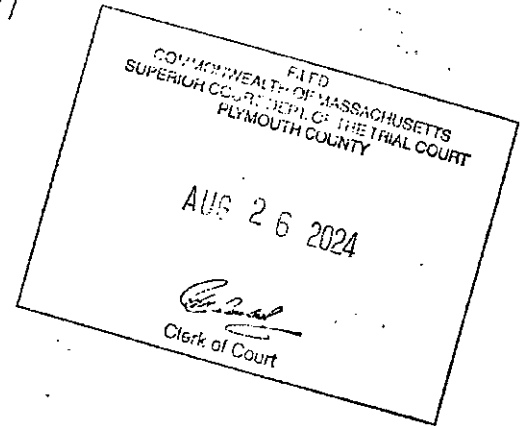
SUPERIOR COURT DEPARTMENT

C.A. 2483 CV 00692

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



PARTIES/JURISDICTION

1. The Plaintiff, Paul O'Keefe ("Paul"), is the surviving brother of the late John J. O'Keefe III ("JJ", "John" or "Decedent"), and is the duly appointed Personal Representative of the Estate of John Joseph O'Keefe III who died on or about January 29, 2022. At all relevant times material hereto, the Decedent resided in Canton, Norfolk County, Massachusetts. At all relevant times material hereto, the Plaintiff, Paul resided in W. Bridgewater, Plymouth County, Massachusetts.
2. The Plaintiff, John O'Keefe II ("John II"), is the surviving father of J.J. and Kristen. At all relevant times material hereto, the Plaintiff, John II resided at 1 Meadows Ave., Canton, Norfolk County, Massachusetts.

3. The Plaintiff, Margaret O'Keefe ("Margaret"), is the surviving mother of JJ and Kristen. At all relevant times material hereto, the Plaintiff, Margaret resided at 1 Meadows Ave., Canton, Norfolk County, Massachusetts.
4. The Plaintiff, Kayley Furbush ("Kayley"), is the surviving niece of the late John J. O'Keefe III. At all relevant times material hereto, the Plaintiff, Kayley was under the guardianship of John and resided in Canton, Norfolk County, MA.
5. At relevant times, the defendant, C&C Hospitality, LLC d/b/a C.F. McCarthy's is an independently owned restaurant with a usual place of business at 614 Washington St., Canton, Norfolk County, Massachusetts. (C.F. McCarthy's). C.F. McCarthy's had a resident agent, Steven B. Carey, 973 Furnace Brook Parkway, Quincy, Norfolk County, Massachusetts. C.F. McCarthy's presently appears to be operated by G&S Hospitality, LLC, whose date of organization was 4-24-2023. G&S Hospitality, LLC d/b/a C.F. McCarthy's has the same location of business and same resident agent as C&C Hospitality, LLC. Any averments referencing or counts against C.F. McCarthy's should be assumed to incorporate either or both entities listed here.
6. The defendant, Waterfall Bar & Grill, LTD d/b/a Waterfall Bar & Grill is a domestic corporation with a usual place of business at 643 Washington Street, Canton, Norfolk County, Massachusetts (Waterfall). Waterfall has a registered agent, Gerard Meehan, located at 19 Ames Avenue, Canton, Norfolk County, Massachusetts.
7. The defendant, Karen Read ("Read") is an individual residing at 481 Gilbert St., Mansfield, Bristol County, Massachusetts.

## FACTS

8. Plaintiff repeats, re-alleges, and incorporates by reference as set forth hereto in their entirety, all prior paragraphs of the Complaint.
9. The decedent, JJ, was the middle of three (3) children, in a tight-knit family. JJ was a third generation Boston Police Officer. After the tragic death of JJ's sister, Kristen, and brother-in-law, Steve, JJ took custody / guardianship of his niece (Kayley) and nephew (Patrick), who were six and three, respectively. Over the next eight years, until his tragic passing, JJ raised and supported his niece and nephew.
10. After the tragic death of JJ, Margaret took guardianship / custody of her grandchildren, Kayley and Patrick.
11. At all relevant times on or before January 29, 2022, JJ and defendant Read were in a dating relationship.
12. In the months, weeks and days leading up to January 29, 2022, JJ and defendant Read's relationship was deteriorating. During such time, defendant Read picked fights, experienced jealousy and had delusions of unfaithfulness.
13. On or about January 28, 2022, defendant Read knew that her relationship with JJ had run its course.
14. On January 28, 2022, at or about 8:51 pm, Plaintiff arrived at C.F. McCarthy's.
15. C.F. McCarthy's was licensed to distribute, sell, or serve alcohol.
16. On January 28, 2022, at or about 8:58 pm, C.F. McCarthy's served Read an alcoholic beverage. Read consumed said drink.

17. On January 28, 2022, C.F. McCarthy's, through its agents, servants or employees, served alcoholic beverages to defendant Read at or about 9:13 pm, 9:20 pm, 9:33 pm, 9:57 pm, 10:22 pm, and 10:29 pm. Read consumed such drinks.
18. C.F. McCarthy's, through its agents, servants or employees, served defendant Read seven (7) alcoholic drinks between 8:58 pm and 10:29 pm on January 28, 2022.
19. During all relevant times at or before 10:29 pm on January 28, 2022, defendant Read showed signs of intoxication while at C.F. McCarthy's.
20. On January 28, 2022, at or about 10:40 pm, JJ and defendant Read left C.F. McCarthy's.
21. On January 28, 2022, at or about 10:40 pm, defendant Read was allowed to carry her alcoholic drink out of C.F. McCarthy's.
22. On January 28, 2022, at or about 10:54 pm, JJ and defendant Read entered Waterfall together.
23. At all relevant times, Waterfall was licensed to distribute, sell, or serve alcohol.
24. Defendant Read walked into Waterfall carrying a drink from C.F. McCarthy's.
25. At all relevant times on January 29, 2022, while at Waterfall, defendant Read showed signs of intoxication.
26. Between 10:54 pm and 11:54 pm on January 28, 2022, defendant Waterfall served Read one shot and one mixed alcoholic drink. Read consumed such drinks..
27. On January 29, 2022, at approximately 12:10 am, defendant Read left Waterfall.
28. On January 29, 2022, at approximately 12:11am, JJ left Waterfall.
29. At all relevant times on January 29, 2022, between 12:11 am and 12:36 am, defendant Read was under the influence of alcohol and unable to drive a motor vehicle safely.

30. At all relevant times on January 29, 2022, defendant Read drove JJ to the residence of 34 Fairview Road in Canton, Norfolk County, Massachusetts.
31. Defendant Read and JJ had been in an argument the night of January 28, 2022, into the early morning of January 29, 2022.
32. After JJ got out of defendant Read's vehicle in front of 34 Fairview Rd. on January 29, 2022, Read drove her SUV and hit JJ.
33. At all relevant times on January 29, 2022, defendant Read drove her SUV in a state of intoxication.
34. As a result of Read's SUV hitting JJ on January 29, 2022, JJ was knocked down onto the ground in front of 34 Fairview Rd., suffered serious injury and died.
35. After hitting JJ with her SUV, defendant Read fled the scene and returned to JJ's residence at 1 Meadows Ave.
36. At all relevant times, defendant Read knew that it was snowing, knew there was an impending blizzard and knew or should have known that leaving JJ outside in the blizzard would likely result in serious injury or death.
37. At all relevant times when defendant Read drove her SUV and hit JJ, defendant Read:
  - a. Failed to use any care to avoid creating an unreasonable risk of harm to the public and JJ;
  - b. Voluntarily took an obvious risk under the circumstances, knew or should have known that death or serious injury was reasonably predictable;
  - c. Persisted in a clearly negligent course of conduct over a noticeable period of time;
  - d. Was impatient with reasonable precautions;
  - e. Was deliberately inattentive to the predictable hazards of her actions; and/or

- f. Was deliberately inattentive when there was a risk of great and immediate danger.
38. At all relevant times when defendant Read drove her SUV and hit JJ, defendant Read was reckless when:
  - a. She intended the reckless conduct that resulted in JJ's injuries/death;
  - b. Her conduct made it highly likely that someone, namely JJ, would suffer serious injury or die;
  - c. She knew or had reason to know of the risk of grave injury or death to JJ; or said risk would have been obvious to a reasonable person; and
  - d. She intentionally or unreasonably disregarded that risk.
  - e. JJ's injuries or death resulted from defendant Read's decision to engage in the conduct referenced above in 16-17, 26 and 37 a.-d.
39. On January 29, 2022, at approximately 4:30 am, defendant Read knew that she hit JJ with her SUV. Nevertheless, she woke up JJ's 14-year-old niece Kayley and talked about JJ's death, talked about hitting JJ with her SUV and otherwise involved Kayley in her frantic calls about JJ's death.
40. At all relevant times on or about January 29, 2022, defendant Read knew that Kayley was a vulnerable minor, who already lost her parents tragically and depended on her custodial uncle, JJ, who became her surrogate parent.
41. At or about 5:07 am on January 29, 2022, defendant Read left 1 Meadows Ave.
42. Between 5:18 am and 5:35 a.m., defendant Read knew JJ was seriously injured, buried in the snow and laying on the ground in front of 34 Fairview Rd., Canton, where defendant Read left JJ to die hours earlier.

43. On January 29, 2022, defendant Read admitted repeatedly that she hit JJ.
44. At or about 6:03 am on January 29, 2022, defendant Read arrived at 34 Fairview Rd., Canton and immediately observed JJ laying on the ground, buried in the snow, where she had earlier left him to die.
45. At relevant times on January 29, 2022, JJ suffered trauma injuries before becoming hypothermic.
46. At or about 7:50 am on January 29, 2022, JJ was pronounced dead at the Hospital.
47. At relevant times after 7:50 am on January 29, 2022, defendant Read went to the grieving house of JJ, feigned comfort to JJ's family, and used the opportunity to, amongst other things, remove the offending weapon, her vehicle, and/or destroy relevant evidence.
48. On January 29, 2022, defendant Read's blood was drawn reading of 93 mg/dl.  
A serum conversion and retrograde extrapolation was done of the results of defendant Read's blood, with the results showing her BAC would have been between .13% - .29% around the time she drove the SUV and hit JJ.
49. Read's BAC of .13% - .29% all exceeds the legal limit to drive a motor vehicle in Massachusetts.
50. At relevant times on or about January 29, 2022, defendant Read drove her SUV while under the influence of alcohol and hit JJ with her SUV.
51. As a direct and/or proximate cause of Read's drunk driving, JJ sustained serious injuries of body and mind, conscious pain and suffering, fear of impending death, lost earnings, medical, funeral and burial expenses, and died.
52. Notwithstanding her 5<sup>th</sup> amendment right not to speak; defendant Read chose to speak publicly. She knowingly and deliberately changed her story and fabricated a conspiracy

knowing the same to be false. She publicly communicated this false narrative thereby frustrating Justice for JJ. Such false narrative caused the Plaintiffs aggravated emotional distress.

53. The Plaintiffs listed above bring this Complaint seeking full and complete JUSTICE FOR JJ.

### **COUNT I**

#### **The Estate of John Joseph O'Keefe III v. C.F. McCarthy's – WRONGFUL DEATH M.G.L. c. 229, § 2**

54. The Estate repeats, re-alleges, and incorporates by reference as set forth hereto in their entirety, prior paragraphs of the Complaint.
55. Defendant C.F. McCarthy negligently served alcohol to an intoxicated person, namely defendant Read. Defendant knew or should have known that defendant Read was intoxicated at relevant times of service on January 28, 2022.
56. Defendant C.F. McCarthy violated Massachusetts' Dram Shop laws, company safety policies and was otherwise negligent for numerous reasons including, but not limited to:
- a. its decision not to hire competent employee(s)/staff/bartender(s)/server(s);
  - b. its decision not to provide adequate personnel to work at C.F. McCarthy's at relevant times;
  - c. its decision not to provide adequate safety training to its employee(s)/staff/bartender(s)/server(s);
  - d. its decision to violate its safety training;
  - e. its choice to retain unfit employee(s)/staff/bartender(s)/server(s);
  - f. its choice not to supervise adequately its employee(s)/staff/bartender(s)/server(s)



57. The defendant C.F. McCarthy's acted not only with indifference to its legal duty not to serve intoxicated patrons; but also with utter forgetfulness of said duty.
58. The defendant C.F. McCarthy's acted with gross negligence.
59. The defendant C.F. McCarthy's acted with willful, wanton and reckless disregard for the safety of others when it served an intoxicated defendant Read.
60. The defendant C.F. McCarthy's deliberately ignored the appreciable risk and/or voluntarily incurred the obvious risk of serving defendant Read when she was already intoxicated. C.F. McCarthy's persisted in serving Read alcohol well after it knew that defendant Read was visibly intoxicated.
61. Defendant C.F. McCarthy's continued to serve defendant Read alcohol at relevant times when Read was already intoxicated.
62. As a direct and proximate result of defendant C.F. McCarthy's negligence, gross negligence, and/or willful, wanton disregard for safety, JJ sustained serious injuries of body and mind, conscious pain and suffering, fear of impending death, lost earnings, medical, funeral and burial expenses, and died.
63. As a direct and proximate result of defendant C.F. McCarthy's negligence, gross negligence, and/or willful, wanton disregard for safety, JJ's next of kin suffered as well. JJ's next of kin are entitled to JJ's "lost value" resulting from his wrongful death. Such damages include, but are not limited to, reasonably expected society, companionship, comfort, guidance, counsel, net income, services, assistance, protection, care and advice to each next of kin.

WHEREFORE, the Estate of John Joseph O'Keefe III, demands judgment against the defendant C.F. McCarthy's, on Count I, plus costs, compensatory and punitive damages, lost value to next of kin and any other relief this Court deems appropriate.

## COUNT II

### **The Estate of John Joseph O'Keefe III v. Waterfall Bar & Grill, LTD d/b/a Waterfall Bar & Grill – WRONGFUL DEATH M.G.L. c. 229, § 2**

64. The Estate repeats, re-alleges, and incorporates by reference as set forth hereto in their entirety, prior paragraphs of the Complaint.
65. Defendant Waterfall negligently served alcohol to an intoxicated person, namely defendant Read. Defendant Waterfall knew or should have known that defendant Read was intoxicated at relevant times of service on January 28, 2022.
66. Defendant Waterfall violated Massachusetts' Dram Shop laws, company safety policies and was otherwise negligent for numerous reasons including, but not limited to:
  - a. its decision not to hire competent employee(s)/staff/bartender(s)/server(s);
  - b. its decision not to provide adequate personnel to work at Waterfall at relevant times;
  - c. its decision not to provide adequate safety training to its employee(s)/staff/bartender(s)/server(s);
  - d. its decision to violate its safety training;
  - e. its choice to retain unfit employee(s)/staff/bartender(s)/server(s);
  - f. its choice not to supervise adequately its employee(s)/staff/bartender(s)/server(s)
67. The defendant Waterfall acted not only with indifference to its legal duty not to serve intoxicated patrons; but also with utter forgetfulness of said duty.
68. The defendant Waterfall acted with gross negligence.

69. The defendant Waterfall acted with willful, wanton and reckless disregard for the safety of others when it served an intoxicated defendant Read.
70. The defendant Waterfall deliberately ignored the appreciable risk and/or voluntarily incurred the obvious risk of serving defendant Read when she was already intoxicated. Waterfall persisted in serving Read alcohol well after it knew that defendant Read was visibly intoxicated.
71. Defendant Waterfall continued to serve defendant Read alcohol at relevant times when Read was already intoxicated.
72. As a direct and proximate result of defendant Waterfall's negligence, gross negligence, and/or willful, wanton disregard for safety, JJ sustained serious injuries of body and mind, conscious pain and suffering, fear of impending death, lost earnings, medical, funeral and burial expenses, and died.
73. As a direct and proximate result of defendant Waterfall's negligence, gross negligence, and/or willful, wanton disregard for safety, JJ's next of kin suffered as well. JJ's next of kin are entitled to JJ's "lost value" resulting from his wrongful death. Such damages include, but are not limited to, reasonably expected society, companionship, comfort, guidance, counsel, net income, services, assistance, protection, care and advice to each next of kin.

WHEREFORE, the Estate of John Joseph O'Keefe III, demands judgment against the defendant Waterfall, on Count II, plus costs, compensatory and punitive damages, lost value to next of kin and any other relief this Court deems appropriate.

**COUNT III**

**The Estate of John Joseph O’Keefe III v. Karen Read – WRONGFUL DEATH M.G.L. c. 229, § 2**

74. Plaintiff repeats, re-alleges, and incorporates by reference as set forth hereto in their entirety, prior paragraphs of the Complaint.
75. On the date of the crash, and at all relevant times, defendant Read owed JJ and the public at large a duty not to drive drunk, to drive her vehicle safely and/or with due care.
76. On the date of the crash, and at all relevant times, defendant Read owed JJ and the public at large a duty to pay attention to the roadway.
77. On January 29, 2022, and at all relevant times, defendant Read breached her duty(ies) of care to JJ by driving drunk, driving in an unsafe manner and/or without due care.
78. As a direct and/or proximate cause of defendant Read’s negligence, gross negligence and/or willful, wanton and reckless disregard for safety, JJ sustained serious injuries of body and mind, conscious pain and suffering, fear of impending death, lost earnings, medical, funeral and burial expenses, and died.
79. As a direct and proximate result of defendant Read’s negligence, gross negligence, and/or willful, wanton disregard for safety, JJ’s next of kin suffered as well. JJ’s next of kin are entitled to JJ’s “lost value” resulting from his wrongful death. Such damages include, but are not limited to, reasonably expected society, companionship, comfort, guidance, counsel, net income, services, assistance, protection, care and advice to each next of kin.

WHEREFORE, the Estate of John Joseph O’Keefe III, demands judgment against the Defendant, Karen Read, on COUNT III for all damages to which the estate is entitled under M.G.L.

c. 229 §2, compensatory and punitive damages, lost value to next of kin and any other relief this Court deems appropriate.

#### **COUNT IV**

##### **Margaret O'Keefe v. C.F. McCarthy's – Negligent Infliction of Emotional Distress**

80. The Plaintiff repeats, re-alleges, and incorporates by reference as set forth hereto in their entirety, prior paragraphs of the Complaint.
81. At all relevant times, Margaret O'Keefe was the mother of JJ.
82. Margaret O'Keefe learned of JJ's admission to the Hospital immediately and came upon JJ's body at the Hospital shortly thereafter. C.F. McCarthy's negligence caused the death of Margaret's son, JJ.
83. Margaret suffered severe and profound emotional injuries manifesting in physical symptoms as the result of observing JJ at the Hospital and witnessing the consequences of C.F. McCarthy's negligence.
84. Margaret's emotional injuries, severe physical pain, anguish, emotional distress and other harm were directly and/or proximately caused by defendant C.F. McCarthy's negligence.
85. A reasonable person in the same position as Margaret O'Keefe at the time of JJ's death would have suffered severe and profound emotional distress.

WHEREFORE, plaintiff demands judgement against the defendant, C.F. McCarthy, on Count IV, plus interest, costs and any other relief or damages this Court deems appropriate.

## COUNT V

### **John O'Keefe v. C.F. McCarthy's – Negligent Infliction of Emotional Distress**

86. The Plaintiff repeats, re-alleges, and incorporates by reference as set forth hereto in their entirety, prior paragraphs of the Complaint.
87. At all relevant times, John O'Keefe II was the father of JJ.
88. John O'Keefe II learned of JJ's admission to the Hospital immediately and came upon JJ's body at the Hospital shortly thereafter..
89. C.F. McCarthy's negligence caused the death of John II's son, JJ.
90. John II suffered severe and profound emotional injuries manifesting in physical symptoms as the result of observing JJ at the Hospital and witnessing the consequences of C.F. McCarthy's negligence.
91. John II's emotional injuries, severe physical pain, anguish, emotional distress and other harm were directly and/or proximately caused by defendant C.F. McCarthy's negligence.
92. A reasonable person in the same position as John O'Keefe II at the time of JJ 's death would have suffered severe and profound emotional distress.

WHEREFORE, plaintiff demands judgement against the defendant, C.F. McCarthy, on Count V, plus interest, costs and any other relief or damages this Court deems appropriate.

## COUNT VI

### **Paul O'Keefe v. C.F. McCarthy's – Negligent Infliction of Emotional Distress**

93. The Plaintiff repeats, re-alleges, and incorporates by reference as set forth hereto in their entirety, previous paragraphs of the Complaint.

94. At all relevant times, Paul O'Keefe was the brother of JJ.
95. Paul O'Keefe learned of JJ's admission to the Hospital immediately and came upon JJ's body at the Hospital shortly thereafter.
96. C.F. McCarthy's negligence caused the death of Paul's brother, JJ.
97. Paul suffered severe and profound emotional injuries manifesting in physical symptoms as the result of observing JJ at the Hospital and witnessing the consequences of C.F. McCarthy's negligence.
98. Paul's emotional injuries, severe physical pain, anguish, emotional distress and other harm were directly and/or proximately caused by defendant C.F. McCarthy's negligence.
99. A reasonable person in the same position as Paul O'Keefe at the time of JJ's death would have suffered severe and profound emotional distress.

WHEREFORE, plaintiff demands judgement against the defendant, C.F. McCarthy, on Count VI, plus interest, costs and any other relief or damages this Court deems appropriate.

#### COUNT VII

##### **Margaret O'Keefe v. Waterfall – Negligent Infliction of Emotional Distress**

100. The Plaintiff repeats, re-alleges, and incorporates by reference as set forth hereto in their entirety, prior paragraphs of the Complaint.
101. At all relevant times, Margaret O'Keefe was the mother of JJ.
102. Margaret O'Keefe learned of JJ's admission to the Hospital immediately and came upon JJ's body at the Hospital shortly thereafter.
103. Waterfall's negligence caused the death of Margaret's son, JJ.

104. Margaret suffered severe and profound emotional injuries manifesting in physical symptoms as the result of observing JJ at the Hospital and witnessing the consequences of Waterfall's negligence.
105. Margaret's emotional injuries, severe physical pain, anguish, emotional distress and other harm were directly and/or proximately caused by defendant Waterfall's negligence.
106. A reasonable person in the same position as Margaret O'Keefe at the time of JJ's death would have suffered severe and profound emotional distress.

WHEREFORE, plaintiff demands judgement against the defendant, Waterfall, on Count VII, plus interest, costs and any other relief or damages this Court deems appropriate.

#### COUNT VIII

##### **John O'Keefe v. Waterfall– Negligent Infliction of Emotional Distress**

107. The Plaintiff repeats, re-alleges, and incorporates by reference as set forth hereto in their entirety, prior paragraphs of the Complaint.
108. At all relevant times, John O'Keefe II was the father of JJ.
109. John O'Keefe II learned of JJ's admission to the Hospital immediately and came upon JJ's body at the Hospital shortly thereafter.
110. Waterfall's negligence caused the death of John II's son, JJ.
111. John II suffered severe and profound emotional injuries manifesting in physical symptoms as the result of observing JJ at the Hospital and witnessing the consequences of Waterfall's negligence.
112. John II's emotional injuries, severe physical pain, anguish, emotional distress and other harm were directly and/or proximately caused by defendant Waterfall's negligence.



113. A reasonable person in the same position as John O'Keefe II at the time of JJ 's death would have suffered severe and profound emotional distress.

WHEREFORE, plaintiff demands judgement against the defendant, Waterfall, on Count VIII, plus interest, costs and any other relief or damages this Court deems appropriate.

### COUNT IX

#### **Paul O'Keefe v. Waterfall – Negligent Infliction of Emotional Distress**

114. The Plaintiff repeats, re-alleges, and incorporates by reference as set forth hereto in their entirety, previous paragraphs of the Complaint.

115. At all relevant times, Paul O'Keefe was the brother of JJ.

116. Paul O'Keefe learned of JJ's admission to the Hospital immediately and came upon JJ's body at the Hospital shortly thereafter.

117. Waterfall's negligence caused the death of Paul's brother, JJ.

118. Paul suffered severe and profound emotional injuries manifesting in physical symptoms as the result of observing JJ at the Hospital and witnessing the consequences of Waterfall's negligence.

119. Paul's emotional injuries, severe physical pain, anguish, emotional distress and other harm were directly and/or proximately caused by defendant Waterfall's negligence.

120. A reasonable person in the same position as Paul O'Keefe at the time of JJ's death would have suffered severe and profound emotional distress.

WHEREFORE, plaintiff demands judgement against the defendant, Waterfall, on Count IX, plus interest, costs and any other relief or damages this Court deems appropriate.

**COUNT X**

**Margaret O'Keefe v. Karen Read – Negligent and/or Reckless Infliction of Emotional Distress**

121. The Plaintiff repeats, re-alleges, and incorporates by reference as set forth hereto in their entirety the preceding Paragraphs of the Complaint.
122. At all relevant times, Margaret O'Keefe was the mother of JJ.
123. Margaret O'Keefe learned of JJ's admission to Hospital immediately and came upon JJ's body at the Hospital shortly thereafter.
124. Defendant Read's negligence caused the death of Margaret's son, JJ.
125. Margaret suffered severe and profound emotional injuries manifesting in physical symptoms as the result of observing JJ at the Hospital and witnessing the consequences of Read's negligence.
126. Defendant Read outrageously created a false narrative.
127. Margaret's emotional injuries, severe physical pain, anguish, emotional distress and other harm were directly and/or proximately caused by defendant Read's negligence.
128. A reasonable person in the same position as Margaret O'Keefe at the time of JJ's death would have suffered severe and profound emotional distress.

WHEREFORE, plaintiff demands judgement against the defendant, Karen Read, on Count X, plus interest, costs and any other relief or damages this Court deems appropriate.

**COUNT XI**

**John O'Keefe v. Karen Read – Negligent and/or Reckless Infliction of Emotional Distress**

129. The Plaintiff repeats, re-alleges, and incorporates by reference as set forth hereto in their entirety, prior paragraphs of the Complaint.

130. At all relevant times, John O'Keefe II was the father of JJ.
131. John O'Keefe II learned of JJ's admission to the Hospital immediately and came upon JJ's body at the Hospital shortly thereafter.
132. Karen Read's negligence caused the death of John II's son, JJ.
133. John II suffered severe and profound emotional injuries manifesting in physical symptoms as the result of observing JJ at the Hospital and witnessing the consequences of Read's negligence.
134. Defendant Read outrageously created a false narrative.
135. John II's emotional injuries, severe physical pain, anguish, emotional distress and other harm were directly and/or proximately caused by defendant Read's negligence.
136. A reasonable person in the same position as John O'Keefe II at the time of JJ's death would have suffered severe and profound emotional distress.

WHEREFORE, plaintiff demands judgement against the defendant, Karen Read, on Count XI, plus interest, costs and any other relief or damages this Court deems appropriate.

## COUNT XII

### **Paul O'Keefe v. Karen Read – Negligent and/or Reckless Infliction of Emotional Distress**

137. The Plaintiff repeats, re-alleges, and incorporates by reference as set forth hereto in their entirety, prior paragraphs of the Complaint.
138. At all relevant times, Paul O'Keefe was the brother of JJ.
139. Paul O'Keefe learned of JJ's admission to the Hospital immediately and came upon JJ's body at the Hospital shortly thereafter.
140. Karen Read's negligence caused the death of Paul's brother, JJ.

141. Paul suffered severe and profound emotional injuries manifesting in physical symptoms as the result of observing JJ at the Hospital and witnessing the consequences of Read's negligence.
142. Defendant Read outrageously created a false narrative
143. Paul's emotional injuries, severe physical pain, anguish, emotional distress and other harm were directly and/or proximately caused by defendant Read's negligence.
144. A reasonable person in the same position as Paul O'Keefe at the time of JJ's death would have suffered severe and profound emotional distress.

WHEREFORE, plaintiff demands judgement against the defendant, Karen Read, on Count XII, plus interest, costs and any other relief or damages this Court deems appropriate.

### **COUNT XIII**

#### **Kayley Furbush v. Karen Read – Negligent, Reckless and/or Intentional Infliction of Emotional Distress**

145. The Plaintiff repeats, re-alleges, and incorporates by reference as set forth hereto in their entirety, prior paragraphs of the Complaint.
146. At all relevant times, Kayley was the niece of JJ. JJ was her guardian since her parents passed away.
147. Kayley learned of JJ's death or injury when defendant Read woke Kayley up at approximately 4:30 am on January 29, 2022.
148. Defendant Read knew Kayley was vulnerable, having already lost her parents at age six.
149. Nevertheless, in Kayley's presence, defendant Read spoke on speaker phone to various people between 4:30 am and 5:00 am on January 29, 2022.

150. At relevant times on January 29, 2022, Kayley heard defendant Read say "(JJ) never came home... Maybe I did something... Maybe a snow plow hit him... Maybe I had hit him... Maybe I hit him... (we) were in an argument... Maybe he got hit by a snow plow."
151. As a result of the conversations defendant Read had in her presence, Kayley perceived the injuries caused to her guardian, uncle JJ, and perceived the injury producing event.
152. At or about 5:00 am, after waking Kayley up and informing her that something happened to JJ, defendant Read left Kayley home alone.
153. Defendant Read intentionally and/or recklessly inflicted severe emotional distress when she woke up Kayley and informed her that she hit her uncle or that a snow plow hit her uncle.
154. Defendant Read either intended to inflict emotional distress in Kayley, or knew or should have known that emotional distress was likely to result from defendant Read's conduct.
155. Defendant Read's conduct was extreme and outrageous, beyond the bounds of decency and was utterly intolerable.
156. Then, after JJ was declared dead, defendant Read came to the family house and feigned concern. Rather, it became clear that defendant Read was only there to collect her belongings and to take possession of the murder weapon.
157. The emotional distress suffered by Kayley was severe and of a nature that no reasonable person could be expected to endure it.
158. Defendant's extreme and outrageous conduct caused Kayley aggravated emotional distress manifesting in physical symptoms.
159. Kayley also suffered severe and profound emotional injuries as the result of perceiving JJ JJ's death and/or the injurious producing event, the consequences of Read's negligence.

160. Then, defendant Read outrageously created a false narrative
161. Kayley's emotional injuries, severe physical pain, anguish, emotional distress and other harm were directly and/or proximately caused by defendant Read's actions.
162. A reasonable person in the same position as Kayley Furbush at relevant times including the time of JJ's death would have suffered severe and profound emotional distress.

WHEREFORE, plaintiff demands judgement against the defendant, Karen Read, on Count XIII, plus interest, costs and any other relief or damages this Court deems appropriate.

**PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL COUNTS**

The Plaintiffs,  
By Their Attorneys:

/s/Marc Diller  
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8/23/24