COMMONWEALTH OF MASSACHUSETTS

Supreme Judicial Court

SJC No. DAR _____

AC No. 2026-P-1251

PLYMOUTH COUNTY

Karen Read,
DEFENDANT-APPELLANT,

v.

Jennifer McCabe, et al.,
PLAINTIFFS-APPELLEES.

ON APPEAL FROM A JUDGMENT OF THE SUPERIOR COURT

DEFENDANT-APPELLANT KAREN READ'S APPLICATION FOR DIRECT APPELLATE REVIEW BY THE SUPREME JUDICIAL COURT

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Dated: November 2, 2026

I. Request for Direct Appellate Review

Defendant-Appellant, Karen Read ("Ms. Read") seeks appellate review of the Superior Court's denial of her special motion to dismiss under the anti-SLAPP statute, G.L. c. 231, § 59H. Specifically, Ms. Read's appeal requests this Court to decide whether, and to what extent, a criminal defendant's public statements in defense of her own ongoing criminal prosecution constitute the "exercise of [her] right of petition" protected by § 59H. If defense-related speech is determined to fall outside of the scope of § 59H and leaves defendants accused of murder exposed to defamation liability, the threat of such suit will deter the accused from speaking publicly in their own defense. That is precisely the kind of significant question of public interest that justice requires this Court to resolve.

Thus, Ms. Read's appeal presents a matter of first impression that is of substantial public importance and requires a novel legal determination never before decided by the Commonwealth, but which can definitively be resolved only by this Court.

The resolution of this appeal will impact both the longstanding right to petition the government for redress of grievances and the constitutional right of a criminal defendant to put forth a third-party culprit

defense. The intersection of these two issues makes this appeal vital for direct appellate review.

Additionally, Ms. Read's co-defendant, Aidan Kearney already submitted an application for direct appellate review of the very same Superior Court anti-SLAPP Order at issue here. As such, a single determination by this Court will clarify this uncertainty once and for all with the finality that only a decision of this Court can provide, ensure consistent results, and preserve judicial economy.

Accordingly, Ms. Read respectfully requests direct appellate review of this issue by the Supreme Judicial Court pursuant to Rule 11(a) of the Massachusetts Rules of Appellate Procedure.

II. Statement of Prior Proceedings

Appellees Jennifer McCabe, Brian Albert, Colin Albert, and Brian Higgins (together, the "Appellees") commenced this action on April 16, 2026, and filed their First Amended Complaint ("FAC") on June 5, 2026. Appellees asserted claims against Ms. Read and her co-defendant Aidan Kearney a/k/a "Turtleboy" ("Mr. Kearney") for defamation, among other claims. (Add. 40) The claims against Ms. Read arise exclusively from Ms. Read's statements that Appellees had responsibility in the death of John O'Keefe and in participating in a cover-up which were made to reporters, including on the courthouse steps, documentary media producers and

podcasters. (Add. 130-31, 179-80). The statements Ms. Read made were all either directly before, or intended to reach, a judicial body or governmental proceeding. (Add. 130-31)

On June 23, 2026, Ms. Read served a special motion to dismiss the FAC ("Special Motion to Dismiss" or "Special Motion") under the anti-SLAPP statute, G.L. c. 231, § 59H. (Add. 98) The Appellees opposed the Special Motion to Dismiss on July 7, 2026 and Ms. Read filed a reply on July 10, 2026. (Add. 132, 165). By Memorandum of Decision and Order entered on July 24, 2026 (the "Order"), the Superior Court (Gildea, M.) denied the Special Motion.[1] (Add. 169)

The trial court held that Ms. Read had failed to make the threshold showing that Appellees' claims are based solely on her petitioning activity and have no other substantial basis. (Add. 183) As part of its holding, the Superior Court reasoned that "production staff of a documentary film is not such an authority" that could affect legislative, executive, or judicial consideration directly or indirectly. (Add. 180). It further held that Ms. Read's statements to a mass-audience podcaster were not petitioning because "[Ms. Read] chose an outlet that would 'provoke and inflame

[1] In accordance with Rule 11(b) of the Massachusetts Rules of Appellate Procedure copies of the relevant docket entries and the Superior Court's written decision are appended to this application.

[Kearney's] audience against the plaintiffs... .'" (Add. 182)

Ms. Read filed a notice of appeal in the Superior Court on August 5, 2026. (Add. 185). On September 14, 2026, the trial court denied Ms. Read's Motion for Reconsideration of its Order. (Add. 187). On September 18, 2026, Ms. Read filed a notice of appeal in the Superior Court to that denial. (Add. 188)

On October 22, 2026, Ms. Read's co-defendant, Aidan Kearney, filed his own application for direct appellate review of that same Order.

III. Statement of Facts

A. The Criminal Prosecutions of Karen Read

On January 29, 2022, Boston Police Officer John O'Keefe ("Mr. O'Keefe") was found unresponsive on the front lawn of 34 Fairview Road in Canton, Massachusetts – the home of Plaintiff-Appellee Brian Albert – after a night of socializing that included both Ms. Read and the Appellees. (Add. 43, 129-130, 190). The Commonwealth charged Ms. Read, Mr. O'Keefe's girlfriend at the time of his death, with his murder. (Add. 41, 169). The Commonwealth alleged that Ms. Read struck Mr. O'Keefe with her car and left him to die in the cold. (Add. 43). Ms. Read was prosecuted twice for the murder of Mr. O'Keefe. (Add. 41-42). The first trial ended in a mistrial on July 1, 2024. In June 2025, following her second trial, Ms. Read was acquitted of all charges

related to Mr. O'Keefe's death and convicted only of operating her vehicle under the influence. (Add. 42).

Since the moment of her arrest, Ms. Read has always maintained that she did not kill Mr. O'Keefe. She has maintained that she was framed by the individuals present at 34 Fairview Road that night, the actual culprits responsible for the crime, and by the corrupt investigators who conducted a flawed and biased investigation. (Add. 98).

B. Statements on Which the Appellees' Claims Rest

The Appellees' claims rest exclusively on public statements Ms. Read made while defending herself during her ongoing criminal prosecution and that also advanced her same third-party culprit defense. (Add. 98). The Superior Court primarily focused on statements that Ms. Read made to a documentary filmmaker, Terry Meurer, during her first trial in which she stated that the Appellees "killed John," that Ms. McCabe may be a "first-degree murderer," and that Mr. Higgins and the Alberts had a role in Mr. O'Keefe's death and her subsequent framing. (Add. 179-180). But the record is replete with Ms. Read's same or similar statements to investigators following her arrest that the Alberts were involved in Mr. O'Keefe's death (Add. 130), statements in discovery motions naming the Alberts as responsible parties and

Ms. McCabe as the "mastermind" Id., statements to reporters on the courthouse steps during her second trial Id., and statements on a widely distributed podcast tied to a pending wrongful death action against Ms. Read by Mr. O'Keefe's estate. (Add. 131).

Ms. Read argued that each of these statements was made to advance her criminal third party culprit defense during her prosecution, to inform investigators and the Commonwealth that other parties were responsible for the crime, and to galvanize public support to exert pressure on the Norfolk County District Attorney to drop the charges against her or to forgo a retrial and prosecute the true culprits. (Add. 105-08).

C. The Civil Lawsuit and Order on Appeal

Despite Ms. Read's murder acquittal, the Appellees allege again in their FAC that Ms. Read struck Mr. O'Keefe with her car while intoxicated and then launched a defamatory campaign against them with co-defendant Aidan Kearney. (Add. 40, 43) Appellees claim Ms. Read falsely accused them of being murderers to deflect responsibility for the crime and destroy their reputations. (Add. 67). On that basis, they asserted claims against Ms. Read and Mr. Kearney for defamation, intentional and negligent infliction of emotional

distress, aiding and abetting, and civil conspiracy. (Add. 169).

Ms. Read moved to dismiss Appellees' claims under the Massachusetts anti-SLAPP statute, G.L. c. 231, § 59H, contending that the challenged statements fall within the second, third, and fourth clauses of § 59H. Specifically, Ms. Read argued that these statements were made in connection with, and to advance, her defense in the pending prosecution and were reasonably likely to enlist public support to affect the Commonwealth's consideration. (Add. 105-06).

The Superior Court denied Ms. Read's Special Motion. (Add. 184) In doing so, it held that Ms. Read's statements did not meet the statute's threshold requirement pointing to the statements Ms. Read made to a documentary filmmaker reasoning they were not directed at any authority that could affect governmental consideration and were not reasonably likely to enlist participation to affect such consideration. (Add. 180-81). The lower court further held in part that Ms. Read's communications to Mr. Kearney had no potential or intent to redress a grievance, or directly or indirectly influence, inform, or bring about governmental consideration of the issue and thus lacked a "crucial

characteristic" of petitioning activity. (Add. 182). Because the Superior Court found no threshold showing, the Court did not reach whether the Appellees could prove the petitioning was devoid of reasonable factual support and the claims survived. (Add. 183).

IV. Statement of the Issues of Law on Appeal; Preservation of Issues of Law in Lower Court

1. Whether a criminal defendant's public statements to media outlets (including press, documentary filmmakers, and mass-audience podcasts) that identified third-party culprits and asserted that she was framed for murder to advance her defense during the pendency of her ongoing criminal prosecution and related civil proceeding constitute the "exercise of [her] right of petition."
2. Whether a litigant's own statements in defense of herself lose anti-SLAPP protection because the court decides the chosen audience or medium is unlikely to "reach" a governmental body notwithstanding the "plausible nexus" standard of Blanchard v. Steward Carney Hospital, Inc., 477 Mass. 141, 149 (2017).

3. Whether in light of this Court's restatement of the anti-SLAPP framework in Bristol Asphalt, Co. v. Rochester Bituminous Products, Inc., 493 Mass. 539 (2024), the threshold "based on" inquiry was correctly applied by the trial court to Ms. Read's statements.

These issues were raised and properly preserved in the Superior Court.

V. Argument

A. This Appeal Presents Novel Questions of First Impression That Should be Decided by This Court

Direct appellate review is appropriate where an appeal raises "questions of first impression or novel questions of law which should be submitted for final determination to the Supreme Judicial Court." Mass. R. App. P. 11(a)(1); G.L. c. 211A, § 10. This appeal squarely presents such questions.

i. Whether a Criminal Defendant's Public Statements Echoing Her Own Defense in a Contemporaneous Prosecution are Protected as Petitioning Activity.

The anti-SLAPP statute defines "a party's exercise of its right of petition" to include statements made "in connection with" a matter under governmental review, and statements "reasonably likely to encourage [such]

consideration" or to "enlist public participation" to that end. G.L. c. 231, § 59H. This statute "provides a remedy for persons who find themselves targeted by a lawsuit based on their petitioning activity." O'Gara v. St. Germain, 91 Mass. App. Ct. 490, 494 (2017).

At the threshold stage, the movant must show that the challenged statements are based on petitioning activity alone. Bristol Asphalt, 493 Mass. at 555-56. If met, the burden shifts to the non-moving party to prove the petitioning was devoid of reasonable factual support or any arguable basis in law. Id. at 557-58.

No decision of this Court or the Appeals Court has addressed whether a criminal defendant's own public statements asserting that she had been framed and identifying alternative culprits during her ongoing criminal prosecution constitute "a party's exercise of its right of petition" under § 59H. Instead, the existing authority illuminates clear gaps that a decision from this Court on this question would fill.

For example, existing authority shows the Appeals Court has held broadly that "[w]hen a person reports suspected criminal activity to the police, she is engaging in constitutionally-based petitioning activity for purposes of G.L. c. 231, §59H." O'Gara, 91 Mass.

App. Ct. at 497. Here, although Ms. Read was reporting that she suspected the Appellees of criminal activity related to Mr. O'Keefe's death, she did not make every such challenged statement to the police. (Add. 129-31).

Further, this Court's decision in Fustolo v. Hollander is similar to Ms. Read's situation, but materially distinct. In Fustolo, a newspaper reporter was sued for articles she wrote about a real estate developer and the discussions of his projects in local neighborhood meetings. Fustolo v. Hollander, 455 Mass. 861, 862-63 (2010). The developer sued the reporter for defamation, and the reporter filed a special motion to dismiss under § 59H. Id. at 864-65.

This Court upheld the Superior Court's denial of the special motion, holding that the reporter's articles "did not contain statements seeking to redress a grievance or to petition for relief *of her own*." Id. at 867 (citations omitted)(emphasis added). Here, similar to the newspaper in Fustolo, some of Ms. Read's statements were made to comparable modern-day media outlets that included reporters, wide-audience podcasts, and documentary filmmakers. (Add. 130-31, 179-80). However, unlike the journalist in Fustolo, it was Ms. Read, the defendant herself, that made statements about

her very proceeding, including statements she made from courthouse steps, that sought to address and advance her own governmental redress–i.e., acquittal, dismissal, or refrain from a retrial. (Add. 130).

Critically, the governmental redress that Ms. Read sought lies exclusively within the Norfolk County District Attorney's authority. Under Art. 30 of the Mass. Declaration of Rights, the decision whether to prosecute, and whether to continue or discontinue prosecution once commenced, is vested exclusively in the executive branch. See Commonwealth v. Rosa, 491 Mass. 369, 370 (2023); see also Del Gallo v. Dist. Attorney for Suffolk Dist., 488 Mass. 1008, 1009 (2021) (noting that the district attorney has "wide discretion in determining whether to prosecute an individual" or "to discontinue a prosecution once commenced") (quoting Manning v. Mun. Ct. of the Roxbury Dist., 372 Mass. 315, 318 (1977)). Because the Norfolk County District Attorney had sole prosecutorial discretion to discontinue Ms. Read's prosecution, her public statements identifying third party culprits were necessarily aimed at influencing the only branch of government with exclusive power to grant the redress she sought.

Finally, in Wynne v. Creigle, the Appeals Court addressed a nearly identical question in the context of a disciplinary investigation. In that case, the plaintiff sued the defendant for statements that defendant made in a newspaper publication, reiterating comments that defendant made to the local fire department during its investigation of the plaintiff. Wynne v. Creigle, 63 Mass. App. Ct. 246, 250 (2005). The Court held that because these statements to the media were "mere repetition" of those made during the departmental investigation of the plaintiff, they were "possessed of the characteristics of petitioning activity." Id. at 254. Here, Ms. Read's statements to the media were also a "mere repetition" of her defense in her ongoing criminal prosecution or civil lawsuit. (Add. 130-31).

While perhaps tangentially instructive, real tension lies in those gaps created by the current case law. Unlike the police reports in O'Gara, the journalist in Fustolo, or the disciplinary complainant in Wynne, Ms. Read was a criminal defendant whose own public statements advanced a third-party culprit defense during her ongoing prosecution and sought her own governmental redress. (Add. 130-31, 179-80). Whether the petitioning

protections under § 59H reach this type of public statement is an unresolved question that should be determined by this Court.

ii. Whether a Criminal Defendant's Own Defensive Statements to a Local Independent Journalist Lose anti-SLAPP Protection Because the Court Deems the Chosen Audience Unlikely to "Reach" a Governmental Body.

For a statement to be made "in connection with" a matter under governmental review, the statement must be "made to influence, inform, or at the very least, reach governmental bodies – either directly or indirectly." Blanchard, 477 Mass. at 149 (overruled on other grounds by Bristol Asphalt, 493 Mass. 539). The Superior Court held that Ms. Read failed to show that her communications to Mr. Kearney had a "plausible nexus" to her prosecution, citing the FAC's allegations that Mr. Kearney had "a limited reach in the Greater Boston area" and "no journalistic training," along with Ms. Read's alleged motive to "provoke and inflame" Mr. Kearney's audience as evidence that the communications were not in fact intended to inform, influence, or bring about governmental consideration of the issue. (Add. 182).

The Superior Court's line of reasoning does not fit comfortably within this Court's controlling precedent

and runs contrary to even the Appellees' telling of the facts. The Appellees alleged that Ms. Read was communicating with Mr. Kearney as a person who described himself as a journalist with reach in the Greater Boston area and who at the time of the communication had a subscriber range between 25,000 and 70,000 subscribers. (Add. 44, 61). This is exactly the kind of person that a criminal defendant in Ms. Read's shoes would communicate with if they intended to inform and influence their local community, and the prosecutors they elect, in support of their own criminal defense during an ongoing criminal trial. The "plausible nexus" between Ms. Read's communication with Mr. Kearney and her ongoing prosecution was evident outside of the courthouse during Ms. Read's trial, where Mr. Kearney's followers gathered to express their support for Ms. Read. (Add. 69).

The Superior Court's reasoning is also directly contrary to this Court's prior decisions. The trial court found that Ms. Read's choice to communicate with Mr. Kearney "knowing he would convey the information in a way that would provoke and inflame his audience" meant that those statements were made for purposes other than to influence, inform, or bring about governmental

consideration of Ms. Read's defense. But Blanchard itself forecloses this analysis: "[U]lterior motives … do not bear on the petitioning nature of the statements . . . ." 477 Mass. at 151.

Indeed, this Court has held that statements to a widely circulated news source could be reasonably expected to reach governmental decision makers, particularly where the statements were made while the events were ongoing. Id. For example, in Cardno ChemRisk, this Court extended anti-SLAPP protections to blog posts written by environmental activists in the aftermath of the BP oil spill, published "against the backdrop of multidistrict litigation," holding that the blog posts "formed part of the defendants' ongoing efforts to influence governmental bodies by increasing the amount and tenor of coverage[.]" Cardno ChemRisk, LLC v. Foytlin, 476 Mass. 479, 485-86 (2017). In so holding, the Court directly linked the blog posts to the ongoing litigation. Id. at 486.

Here, Ms. Read's statements about her defense and the actions of witnesses testifying against her to a media figure with tens of thousands of followers and a strong influence on the Greater Boston local community while being prosecuted for murder are the exact type of

statements protected in Blanchard and Cardno ChemRisk. Id.; Blanchard, 477 Mass. at 151. (Add. 44, 61, 130).

Thus, this Court should resolve whether a "plausible nexus" exists between a criminal defendant's statements about their defense in an ongoing prosecution to a local media outlet and the underlying governmental proceeding itself.

B. These Questions are of Substantial Public Interest Warranting Final Determination by the Full Court

Direct appellate review is independently warranted for "questions of such public interest that justice requires a final determination by the full Supreme Judicial Court." Mass. R. App. P. 11(a)(3); G.L. c. 211A, § 10. Both of Ms. Read's criminal prosecution trials garnered sustained national attention. Moreover, this Court's determination as to the scope of § 59H's protection for a defendant's public defense is a matter of broad consequence for the fundamental constitutional rights of petition and public participation.

First, the rights protected by §59H are "among the most precious of the liberties safeguarded by the Bill of Rights" which has been a "fundamental aspect of liberty for the better part of 1,000 years[.]" Cardno ChemRisk, 476 Mass. at 487. Questions regarding the

scope of such a long-standing fundamental right are matters of public interest in their own right and should be decided by this Court. See Fustolo, 455 Mass. at 864 (granting direct appellate review of the Superior Court's denial of a special motion to dismiss under § 59H).

Second, "[a] defendant has a constitutional right to present evidence that another may have committed the crime." Commonwealth v. Conkey, 443 Mass. 60, 66 (2004). This Court has recognized that "[t]hird-party culprit evidence is a time-honored method of defending against a criminal charge." Commonwealth v. Ruell, 459 Mass. 126, 130 (2011).

Protecting a criminal defendant's ability to then speak publicly about that defense furthers the same interest. Every criminal defendant accused of murder who publicly maintains their innocence necessarily asserts that they are not responsible for the crime and, expressly or implicitly, that someone else is. If that self-defense speech is not protected by § 59H, defendants accused of murder are left exposed to defamation liability, which will inevitably deter the accused from speaking out in their own defense. That is

the kind of paramount question public interest requires this Court to resolve.

VI. Reasons Why Direct Appellate Review is Appropriate

Direct appellate review is warranted on this issue for three reasons. First, the issue of whether a criminal defendant's public speech during their ongoing prosecution related to their own third-party culprit defense is a matter of first impression that raises a novel question of law that this Court should decide. See Mass. R. App. P. 11(a)(1). Second, resolution of this question will greatly impact the constitutional right to petition the government for redress of grievances and to put forward a third-party culprit defense. Third, by virtue of the foregoing, this appeal contains "questions of such public interest that justice requires a final determination by the full Supreme Judicial Court." Mass. R. App. P. 11(a)(3).

VII. Conclusion

For the foregoing reasons, Ms. Read respectfully requests that this Court grant her application for direct appellate review.

Respectfully submitted,

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Dated: November 2, 2026

CERTIFICATE OF SERVICE

I, Wayne F. Dennison, counsel for applicant Karen Read, hereby certify that on November 2, 2026, I have made service of this Application for Direct Appellate Review upon the attorneys of record for each party, by email and the Electronic Filing System on:

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Certificate of Compliance
Pursuant to Mass. R. App. P. 16(k)

I, Wayne Dennison, certify that the foregoing application complies with the rules of court that pertain to the filing of applications, including, but not limited to:

Mass. R. App. P. 11 (direct appellate review);

Mass. R. App. P. 16(a)(13) (addendum);

Mass. R. App. P. 16(e) (references to the record);

Mass. R. App. P. 18 (appendix to the briefs);

Mass. R. App. P. 20 (form and lengths of briefs, appendices and other documents);

Mass. R. App. P. 21 (redactions).

I further certify that the foregoing application complies with the applicable length limitation in Mass. R. App. P. 11 because it is produced in the monospaced font Courier New at size 12, which is 10 characters per inch, and the argument in favor of direct appellate review contains ten (10) total pages.

/s/ Wayne F. Dennison
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More Party Information

Events

Date	Session	Location	Type	Event Judge	Result
06/04/2026 10:00 AM	Civil D Plymouth		Hearing for Protective Order	Gildea, Hon. Mark	Held as Scheduled
07/14/2026 10:00 AM	Criminal 4 Plymouth		Motion Hearing	Gildea, Hon. Mark	Held - Under advisement
09/10/2026 10:00 AM	Criminal 4 Plymouth		Motion Hearing	Gildea, Hon. Mark	Held - Under advisement

Ticklers

Tickler	Start Date	Due Date	Days Due	Completed Date
Service	06/01/2026	07/15/2026	44	
Answer	06/01/2026	08/14/2026	74	
Rule 12/19/20 Served By	06/01/2026	08/14/2026	74	

Tickler	Start Date	Due Date	Days Due	Completed Date
Rule 12/19/20 Filed By	06/01/2026	09/14/2026	105	
Rule 12/19/20 Heard By	06/01/2026	10/13/2026	134	
Rule 15 Served By	06/01/2026	08/14/2026	74	
Rule 15 Filed By	06/01/2026	09/14/2026	105	
Rule 15 Heard By	06/01/2026	10/13/2026	134	
Discovery	06/01/2026	02/10/2027	254	
Rule 56 Served By	06/01/2026	03/12/2027	284	
Rule 56 Filed By	06/01/2026	04/12/2027	315	
Final Pre-Trial Conference	06/01/2026	06/30/2027	394	
Judgment	06/01/2026	03/17/2028	655	
Under Advisement	07/14/2026	08/13/2026	30	07/24/2026
Under Advisement	09/10/2026	10/10/2026	30	

Docket Information

Docket Date	*Docket Text*	File Ref Nbr.	*Image Avail.*
06/01/2026	Attorney appearance On this date James L Tuxbury, Esq. added as Private Counsel for Plaintiff Jennifer McCabe		
06/01/2026	Attorney appearance On this date James L Tuxbury, Esq. added as Private Counsel for Plaintiff Brian Albert		
06/01/2026	Attorney appearance On this date James L Tuxbury, Esq. added as Private Counsel for Plaintiff Colin Albert		
06/01/2026	Attorney appearance On this date James L Tuxbury, Esq. added as Private Counsel for Plaintiff Brian Higgins		
06/01/2026	Attorney appearance On this date Kieran T. Murphy, Esq. added as Pro Hac Vice (SJC 3:15) for Plaintiff Jennifer McCabe		
06/01/2026	Attorney appearance On this date Christopher M. Mattei, Esq. added as Pro Hac Vice (SJC 3:15) for Plaintiff Jennifer McCabe		
06/01/2026	Attorney appearance On this date Kieran T. Murphy, Esq. added as Pro Hac Vice (SJC 3:15) for Plaintiff Brian Albert		
06/01/2026	Attorney appearance On this date Christopher M. Mattei, Esq. added as Pro Hac Vice (SJC 3:15) for Plaintiff Brian Albert		
06/01/2026	Attorney appearance On this date Kieran T. Murphy, Esq. added as Pro Hac Vice (SJC 3:15) for Plaintiff Colin Albert		
06/01/2026	Attorney appearance On this date Christopher M. Mattei, Esq. added as Pro Hac Vice (SJC 3:15) for Plaintiff Colin Albert		
06/01/2026	Attorney appearance On this date Kieran T. Murphy, Esq. added as Pro Hac Vice (SJC 3:15) for Plaintiff Brian Higgins		
06/01/2026	Attorney appearance On this date Christopher M. Mattei, Esq. added as Pro Hac Vice (SJC 3:15) for Plaintiff Brian Higgins		
06/01/2026	Attorney appearance On this date Damon M Seligson, Esq. added as Private Counsel for Defendant Karen Read		
06/01/2026	Attorney appearance On this date Charles Waters, Esq. added as Private Counsel for Defendant Karen Read		
06/01/2026	Attorney appearance On this date Aaron Davis Rosenberg, Esq. added as Private Counsel for Defendant Karen Read		
06/01/2026	Attorney appearance On this date Timothy J Bradl, Esq. added as Private Counsel for Defendant Aidan Kearney A/K/A Turtleboy		
06/01/2026	Attorney appearance On this date Jeffrey Jackson Pyle, Esq. added as Private Counsel for Defendant Aidan Kearney A/K/A Turtleboy		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
06/01/2026	Attorney appearance On this date Adam R Doherty, Esq. added as Private Counsel for Defendant Aidan Kearney A/K/A Turtleboy		
06/01/2026	Attorney appearance On this date Meredith A Mccaffrey, Esq. added as Private Counsel for Defendant Aidan Kearney A/K/A Turtleboy		
06/01/2026	Attorney appearance On this date Mark A. Bederow added as Pro Hac Vice (SJC 3:15) for Defendant Aidan Kearney A/K/A Turtleboy		
06/01/2026	Case assigned to: DCM Track A - Average was added on 06/01/2026		
06/01/2026	Case transferred from another court. Transferred by Order for Transfer from Barnstable County (2672CV00125) to Plymouth County (Ricciuti, J.) Pleadings complete 1-19		
06/01/2026	Case file images for pleadings no. 3-19		Image
06/01/2026	Original civil complaint filed.		Image
06/01/2026	Civil action cover sheet filed.		Image
06/01/2026	Case assigned to: DCM Track F - Fast Track was added on 06/01/2026		
06/01/2026	Plaintiffs Jennifer McCabe, Brian Albert, Colin Albert, Brian Higgins's Motion to Enter Protective Order Regarding Norfolk District Attorney's Office's Production of Documents Pursuant to Subpoenas	20	Image
06/01/2026	Opposition to Plaintiffs' Motion to Enter Protective Order Regarding Norfolk District Attorney's Office's Production of Documents Pursuant to Subpoenas filed by Aidan Kearney A/K/A Turtleboy	20.1	Image
06/01/2026	Opposition to Plaintiffs' Motion to Enter Protective Order Regarding Norfolk District Attorney's Office's Production of Documents Pursuant to Subpoenas filed by Karen Read	20.2	Image
06/01/2026	Reply/Sur-reply Plaintiffs' Reply in Support of Their Motion to Enter Protective Order Regarding Norfolk District Attorney's Office's Production of Documents Pursuant to Subpoenas	20.3	Image
06/01/2026	Plaintiffs Jennifer McCabe, Brian Albert, Colin Albert, Brian Higgins's Certificate of Compliance with Superior Court Rule 9C	20.4	Image
06/02/2026	Defendant Aidan Kearney A/K/A Turtleboy's Notice of Motion to Dismiss	21	Image
06/04/2026	Event Result:: Hearing for Protective Order scheduled on: 06/04/2026 10:00 AM Has been: Held as Scheduled Comments: FTR Hon. Mark Gildea, Presiding		
06/05/2026	Endorsement on Motion to Enter Protective Order Regarding Norfolk District Attorney's Office's Production of Documents Pursuant to Subpoenas (#20.0): ALLOWED A hearing on this motion was held on June 4, 2026. The requested Protective Order with the Norfolk County District Attorney's Office (NCDA) is in the same form as one entered in 2483CV692. Defendants oppose, claiming the request is premature because of motions that are scheduled to be filed pursuant to G.L. c. 231, § 59H. I am not persuaded by the argument that the request is premature. Given § 59H provides that discovery proceedings shall be stayed upon the filing of the § 59H special motion, and the court ordered, with the consent of the parties, that § 59H motions would be filed on or before July 7, 2026, over a month from now, I believe it is defendants' implicit request that discovery be stayed that is premature. Mr. Kearney, who is not a party to 2483CV692, also argues that a protective order is not needed as any records held by NCDA are presumptively public pursuant to G.L. c. 66, § 10, citing to Worcester Telegram & Gazette Corp. v. Chief of Police of Worcester, 436 Mass. 378 (2002). However, this case is not about G.L. c. 66, § 10. The Worcester case originated with a request under G.L. c. 66, § 10, and the SJC affirmed the lower Court's Order allowing limited disclosure of police department records with the benefit of a protective order. Further, contrary to Mr. Kearney's suggestion that NCDA would have "unilateral discretion", the proposed protective order provides a process for this court to determine if designated "confidential documents" should be impounded pursuant to Trial Court Rule VIII, a rule that requires a finding by the court of good cause. The motion is ALLOWED.		Image
06/05/2026	Amended: First amended complaint filed by Jennifer McCabe, Brian Albert, Colin Albert, Brian Higgins - Amendments made to "Jurisdiction and Venue" - Amendments made to "Factual Background" - Removed Count IV (Aiding and Abbetting Defamation as to Defendant Kearney), Count VIII (Aiding and	22	Image

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	Abetting Intentional Infliction of Emotion Distress as to Defendant Kearney), and Count XII (Aiding and Abetting Negligent Infliction of Emotional Distress as to Defendant Kearney)		
06/12/2026	ORDER: Reminder Relative to Certain 9A Filings Document sent as notice on: 06/12/2026 15:48:01 Notice Sent To Attorney: James L Tuxbury, Esq. jtuxbury@hinckleyallen.com Notice Sent To Attorney: Kieran T. Murphy, Esq. Kmurphy@hinckleyallen.com Notice Sent To Attorney: Christopher M. Mattei, Esq. Cmattei@koskoff.com Notice Sent To Attorney: Damon M Seligson, Esq. dseligson@sheehan.com Notice Sent To Attorney: Charles Waters, Esq. cwaters@sheehan.com Notice Sent To Attorney: Aaron Davis Rosenberg, Esq. arosenberg@sheehan.com Notice Sent To Attorney: Timothy J Bradl, Esq. tbradl@bradllaw.com Notice Sent To Attorney: Jeffrey Jackson Pyle, Esq. jpyle@princelobel.com Notice Sent To Attorney: Adam R Doherty, Esq. adoherty@princelobel.com Notice Sent To Attorney: Meredith A Mccaffrey, Esq. m.mccaffrey95@gmail.com Notice Sent To Attorney: Mark A. Bederow Mark@bederowlaw.com	23	Image
06/12/2026	ORDER: Relative to Certain Filings Document sent as notice on: 06/12/2026 15:49:49 Notice Sent To Attorney: James L Tuxbury, Esq. jtuxbury@hinckleyallen.com Notice Sent To Attorney: Kieran T. Murphy, Esq. Kmurphy@hinckleyallen.com Notice Sent To Attorney: Christopher M. Mattei, Esq. Cmattei@koskoff.com Notice Sent To Attorney: Damon M Seligson, Esq. dseligson@sheehan.com Notice Sent To Attorney: Charles Waters, Esq. cwaters@sheehan.com Notice Sent To Attorney: Aaron Davis Rosenberg, Esq. arosenberg@sheehan.com Notice Sent To Attorney: Timothy J Bradl, Esq. tbradl@bradllaw.com Notice Sent To Attorney: Jeffrey Jackson Pyle, Esq. jpyle@princelobel.com Notice Sent To Attorney: Adam R Doherty, Esq. adoherty@princelobel.com Notice Sent To Attorney: Meredith A Mccaffrey, Esq. m.mccaffrey95@gmail.com Notice Sent To Attorney: Mark A. Bederow Mark@bederowlaw.com	24	Image
06/18/2026	Defendant(s) Aidan Kearney A/K/A Turtleboy's Assented to Motion for leave to file a memorandum of law of up to 31 pages in support of his special motion to dismiss plaintiffs' first amended complaint pursuant to Anti-Slapp, G.L. c. 231, section 59H	25	
06/18/2026	Defendant's Notice of intent to file motion to dismiss Applies To: Aidan Kearney A/K/A Turtleboy (Defendant)	26	Image
06/22/2026	Endorsement on Motion for leave to file a memorandum of law of up to 31 pages in support of his special motion to dismiss plaintiffs' first amended complaint pursuant to Anti-Slapp, G.L. c. 231, section 59H (#25.0): ALLOWED (but not encouraged in the future)		Image
06/23/2026	Defendant Karen Read's Notice of Motion to Dismiss	27	Image
07/02/2026	Plaintiffs Jennifer McCabe, Brian Albert, Colin Albert, Brian Higgins's EMERGENCY Motion Regarding Anti-Slapp Hearing and Briefing Schedule	28	Image
07/06/2026	Opposition to Plaintiffs' Emergency Motion Regarding Anti-Slapp Hearing and Briefing Schedule and Response to Karen Read's Motion to Reschedule Hearing filed by Aidan Kearney A/K/A Turtleboy	29	Image
07/06/2026	Defendant Karen Read's Motion to Reschedule Hearing on Anti-Slapp Motions in Response to Federal Court Hearing in Earlier-Filed Case, and Incorporated Memorandum	30	Image
07/06/2026	Opposition to Defendant Karen Read's Motion to Reschedule Hearing on Anti-Slapp Motions filed by Jennifer McCabe, Brian Albert, Colin Albert, Brian Higgins	30.1	Image
07/06/2026	Defendant Karen Read's Certificate of Compliance with Superior Court Rule 9C	30.2	Image
07/06/2026	Defendant Karen Read's Notice of Filing and List of Documents	30.3	Image
07/06/2026	Endorsement on Motion to Reschedule Hearing on Anti-Slapp Motions (#30.0): ALLOWED The motion is allowed to the extent that the hearing shall take place on July 14, 2026 at 10:00 a.m.		Image
07/06/2026	Endorsement on Motion to regarding anti-slapp hearing and briefing schedule (#28.0): No Action Taken Deemed Moot- See endorsement on defendant Read's motion to continue. Judge: Gildea, Hon. Mark		Image
07/08/2026	ORDER: Relative to the motions to dismissed scheduled for hearing Pleadings relative to the motions to dismiss scheduled for hearing next week were e-filed yesterday and today, and are under review by the Clerk's Office. Attorney Seligson is ordered to email to Plymouthsuperiorfilings@jud.state.ma.us before 10:00 a.m. on July 9, 2026:	31	Image

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	1. Word documents of the versions of Ms. Read's Special Motion to Dismiss dated June 18, 2026 and June 23, 2026; and 2. An affidavit setting forth if there was any written or oral response to the June 25, 2026 1:43 p.m. and June 26, 2026 12:31 p.m. emails from Attorney Murphy to Attorneys Rosenberg, Seligson, and Waters. If there were, a copy of any written response shall be attached to the affidavit, and any oral response shall be summarized in the affidavit.		
07/08/2026	Defendant Karen Read's Motion for leave to file her motion to dismiss pursuant to Mass. R. Civ. P. 12(b)(6) and special motion to dismiss pursuant to G.L. c. 231, s59H in excess of twenty pages	32	
07/08/2026	Defendant Karen Read's Motion to dismiss (special) pursuant to the anti-slapp law, G.L. C. 231, sec. 59H, and motion to dismiss pursuant to Mass. R. Civ. P. 12(b)(6)	33	Image
07/08/2026	Affidavit of Damon M. Seligson	33.1	Image
07/08/2026	Exhibits/Appendix		Image
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07/08/2026	Exhibits/Appendix		Image
07/08/2026	Exhibits/Appendix		Image
07/08/2026	Exhibits/Appendix		Image
07/08/2026	Exhibits/Appendix		Image
07/08/2026	Exhibits/Appendix		Image
07/08/2026	Exhibits/Appendix		Image
07/08/2026	Affidavit of Karen Read	33.2	Image
07/08/2026	Opposition to Defendant Karen Read's special motion to dismiss filed by plaintiffs'	33.3	Image
07/08/2026	Declaration of Attorney Kieran T. Murphy in support of opposition to defendant Karen Read's omnibus motion to dismiss	33.4	Image
07/08/2026	Declaration of Jennifer McCabe in support of opposition to motions to dismiss	33.5	Image
07/08/2026	Declaration of Brian Albert in Support of Opposition to Motions to Dismiss	33.51	Image
07/08/2026	Declaration of Brian Higgins in Support of Opposition to Motions to Dismiss	33.52	Image
07/08/2026	Affidavit of Colin Albert	33.53	Image
07/08/2026	Certificate of service of attorney or Pro Se: Damon M Seligson, Esq.	33.6	Image Image
07/08/2026	Rule 9A notice of filing and list of documents filed pursuant to Superior Court Rule 9A	33.7	Image
07/08/2026	Plaintiffs Jennifer McCabe, Brian Albert, Colin Albert, Brian Higgins's Assented to Motion for leave to file opposition of up to 30 pages to defendant Karen Read's omnibus motion to dismiss	34	Image
07/08/2026	Defendant Aidan Kearney A/K/A Turtleboy's Motion for special motion to dismiss plaintiffs' first amended complaint pursuant to the anti-slapp law, G.L. c. 231, s59H	35	Image
07/08/2026	Aidan Kearney A/K/A Turtleboy's Memorandum of law in support of his special motion to dismiss	35.1	Image
07/08/2026	Affidavit of Jeffrey J. Pyle in support of defendant Aidan Kearney's special motion to dismiss	35.2	Image
07/08/2026	Exhibits/Appendix		Image Image

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
07/08/2026	Affidavit of Aidan Kearney	35.3	Image
07/08/2026	Opposition to Defendant Aidan Kearney's special motion to dismiss filed by Plaintiffs'	35.4	Image
07/08/2026	Declaration of Attorney Kieran T. Murphy in support of opposition to defendant Aidan Kearney's special motion to dismiss	35.5	Image
07/08/2026	Declaration of Jennifer McCabe in support of opposition to motions to dismiss	35.6	Image
07/08/2026	Declaration of Brian Albert in support of opposition to motions to dismiss	35.7	Image
07/08/2026	Declaration of Brian Higgins in support of opposition to motions to dismiss	35.8	Image
07/08/2026	Affidavit of Colin Albert	35.9	Image
07/08/2026	Defendant Aidan Kearney A/K/A Turtleboy's Notice of Filing and List of Documents	35.91	Image
07/09/2026	ORDER: Attorney Seligson provided a response to my July 8, 2026 Order. The response identifies a June 26, 2026 12:31 p.m. email from Attorney Rosenberg to Attorney Murphy. Attorney Murphy is ordered to email to Plymouthsuperiorfilings@jud.state.ma.us before 4:30 p.m. today an affidavit setting forth the reasons such email was not included in the Exhibit B to his Declaration of July 7, 2026.	36	Image
07/09/2026	Affidavit of of Kieran T. Murphy	36.1	Image
07/10/2026	Reply/Sur-reply Defendant Aidan Kearney's Reply in Support of His Special Motion to Dismiss Plaintiffs' First Amended Complaint Pursuant to the Anti-Slapp Law, G.L. c. 231, sect. 59H	37	Image
07/10/2026	Reply/Sur-reply Defendant Karen Read's Reply in Support of Her Special Motion to Dismiss Pursuant to the Anti-Slapp Law, G.L. c. 231, sect. 59H and Motion to Dismiss Pursuant to Mass. R. Civ. P. 12(b)(6)	38	Image
07/14/2026	Matter taken under advisement: Motion Hearing scheduled on: 07/14/2026 10:00 AM Has been: Held - Under advisement Comments: FTR Hon. Mark Gildea, Presiding		
07/17/2026	Defendant Aidan Kearney A/K/A Turtleboy's Motion to Dismiss Plaintiffs' First Amended Complaint in Part Pursuant to Mass. R. Civ. P. 12(b)(6)	39	Image
07/17/2026	Aidan Kearney A/K/A Turtleboy's Memorandum of Law in Support of His Motion to Dismiss Plaintiffs' First Amended Complaint in Part Pursuant to Mass. R. Civ. P. 12(b)(6)	39.1	Image
07/17/2026	Opposition to Defendant Aidan Kearney's Partial Motion to Dismiss Pursuant to Mass. R. Civ. P. 12(b)(6) filed by Jennifer McCabe, Brian Albert, Colin Albert, Brian Higgins	39.2	Image
07/17/2026	Reply/Sur-reply Defendant Aidan Kearney' Reply in Support of His Motion to Dismiss Plaintiffs' First Amended Complaint in Part Pursuant to Mass. R. Civ. P. 12(b)(6)	39.3	Image
07/17/2026	Defendant Aidan Kearney A/K/A Turtleboy's Request for Hearing	39.4	Image
07/17/2026	Defendant Aidan Kearney A/K/A Turtleboy's Certificate of Compliance with Superior Court Rule 9C	39.5	Image
07/17/2026	Defendant Aidan Kearney A/K/A Turtleboy's Notice of Filing and List of Documents	39.6	Image
07/24/2026	MEMORANDUM & ORDER: on Defendants' Special Motions to Dismiss Pursuant to the Anti-SLAPP Law, G.L. c. 231, § 59H For the foregoing reasons, Defendant Aidan Kearney's Special Motion to Dismiss Plaintiff's First Amended Complaint Pursuant to the Anti-SLAPP Law, G.L. c. 231, § 59H is DENIED. Defendant Karen Read's Special Motion to Dismiss Pursuant to the Anti-SLAPP Law, G.L. c. 231, § 59H is also DENIED. Judge: Gildea, Hon. Mark	40	Image

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
07/30/2026	Defendant Karen Read's Motion for protective order requiring plaintiffs to delete data incorrectly produced by Norfolk District Attorney's Office	43	Image
07/30/2026	Karen Read's Memorandum of law in support of motion for protective order	43.1	Image
07/30/2026	Opposition to defendant Karen Read's motion for protective order filed by Jennifer McCabe, Brian Albert, Colin Albert, Brian Higgins	43.2	Image
07/30/2026	Reply/Sur-reply Defendant Karen Read's reply in support of her motion for a protective order	43.3	Image
07/30/2026	Defendant Karen Read's Notice of filing and list of documents	43.4	Image
08/04/2026	Notice to the Appeals Court of Interlocutory Appeal re: denial of special motion to dismiss pursuant to Anti-Slapp Law, G.L. c. 231, sect. 59H Applies To: Aidan Kearney A/K/A Turtleboy (Defendant)	44	Image
08/05/2026	Notice to the Appeals Court of Interlocutory Appeal re: denial of special motion to dismiss pursuant to Anti-Slapp Law, G.L. c. 231, sect. 59H Applies To: Read, Karen (Defendant)	45	Image
08/05/2026	CD of Transcript of 07/14/2026 10:00 AM Motion Hearing received from Barbara A. Reardon.	46	
08/14/2026	MEMORANDUM & ORDER: on Defendants' Motions to Dismiss Pursuant to Mass. R. Civ. P. 12(b)(6) For the foregoing reasons, Defendant Aidan Kearney's partial motion to dismiss pursuant to Mass. R. Civ. P. 12(b)(6) is DENIED. Defendant Karen Read's motion to dismiss pursuant to Mass. R. Civ. P. 12(b)(6) is also DENIED. Judge: Gildea, Hon. Mark	47	Image
08/17/2026	Appeal: Statement of the Case on Appeal (Cover Sheet). (Regarding paper no. 44)	48	Image
08/17/2026	Notice to Clerk of the Appeals Court of Assembly of Record	49	
08/17/2026	Notice of assembly of record sent to Counsel	50	
08/17/2026	Appeal: Statement of the Case on Appeal (Cover Sheet). (Regarding paper no. 45)	51	Image
08/17/2026	Notice to Clerk of the Appeals Court of Assembly of Record	52	
08/17/2026	Notice of assembly of record sent to Counsel	53	
08/19/2026	ORDER: Relative to Ms. Read's Motion for Protective Order Counsel for the parties involved in this motion (Papers No. 43 to 43.4) are requested to submit: i) A copy of the subpoena; ii) Affidavits setting forth a chronology of communications with the NDAO and/or the other party to this motion concerning the subpoena and the NDAO's production, for the period through July 30, 2026; and iii) Copies of any emails, texts or other written communications with the NDAO and/or the other party concerning such issues during the same period. Judge: Gildea, Hon. Mark	54	Image
08/24/2026	Defendant Aidan Kearney A/K/A Turtleboy's Assented to Motion to extend time to file answer to first amended complaint (to September 11, 2026)	55	Image
08/24/2026	Defendant Karen Read's Assented to Motion to extend time to file her answer to first amended complaint (to September 11, 2026)	56	Image
08/24/2026	Endorsement on Motion of Aidan Kearney to Extend Time to File Answer to First Amended Complaint (#55.0): ALLOWED		Image
08/24/2026	Endorsement on Motion of Defendant Karen Read to Extend Time to File Her Answer to First Amended Complaint (#56.0): ALLOWED		Image
08/25/2026	Defendant Aidan Kearney A/K/A Turtleboy's Motion to stay pending appeal	57	Image
08/25/2026	Aidan Kearney A/K/A Turtleboy's Memorandum of law in support of motion to stay pending appeal	57.1	Image

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
08/25/2026	Opposition to motion to stay pending appeal filed by Jennifer McCabe, Brian Albert, Colin Albert, Brian Higgins	57.2	Image
08/25/2026	Declaration of Attorney Kieran T. Murphy in support of opposition to motion to stay pending appeal	57.3	Image
08/25/2026	Reply/Sur-reply Defendant Aidan Kearney A/K/A Turtleboy's Reply in support of motion to stay pending appeal	57.4	Image
08/25/2026	Defendant Aidan Kearney A/K/A Turtleboy's Request for hearing	57.5	Image
08/25/2026	Defendant Aidan Kearney A/K/A Turtleboy's Notice of filing and list of documents	57.6	Image
08/28/2026	Plaintiffs Jennifer McCabe, Brian Albert, Colin Albert, Brian Higgins's Assented to Motion for leave to file opposition of up to 16 pages to defendant Aidan Kearney's motion for reconsideration	58	Image
08/28/2026	Defendant Aidan Kearney A/K/A Turtleboy's Motion for reconsideration of the Court's decision and order on his special motion to dismiss pursuant to the Anti-Slapp Law, G.L. c. 231, sec. 59H	59	Image
08/28/2026	Affidavit of Jeffrey J. Pyle in support of motion for reconsideration	59.1	Image
08/28/2026	Opposition to defendant's motion for reconsideration filed by plaintiffs'	59.2	Image
08/28/2026	Declaration of Attorney Kieran T. Murphy in support of opposition to motion for reconsideration	59.3	Image
08/28/2026	Reply/Sur-reply Aidan Kearney's Reply in support of his motion for reconsideration	59.4	Image
08/28/2026	Request for hearing filed Applies To: Aidan Kearney A/K/A Turtleboy (Defendant)	59.5	Image
08/28/2026	Rule 9A notice of filing and list of documents	59.6	Image
08/31/2026	Appeal entered in Appeals Court on 08/28/2026 docket number 2026-P-1251	60	Image
08/31/2026	Affidavit of Aaron D. Rosenberg, Esq. in response to Court's August 19, 2026 order	61	Image
09/02/2026	Endorsement on Motion of Defendant Aidan Kearney for Reconsideration of the Court's Decision and Order on His Special Motion to Dismiss Pursuant to the ANTI-SLAPP Law, G.L. c.231 § 59H (#59.0): DENIED I was presented with the Rule 9A filing on Mr. Kearney's motion for reconsideration. Upon review, I decline the request for a hearing. A motion to reconsider pursuant to Superior Court Rule 9D calls upon the broad discretion of the motion judge. Commonwealth v. Charles, 466 Mass. 63, 84 (2013); Audubon Hill S. Condo. Ass'n v. Community Ass'n Underwriters of Amer., Inc., 82 Mass. App. Ct. 461, 470 (2012). If there is no material change in circumstances, such as newly discovered evidence or a development of relevant law, a judge is not obliged to reconsider a case, issue, or question of law after it has been decided, absent a particular and demonstrable error in the original decision. Blake v. Hometown Amer. Communities, Inc., 486 Mass. 268, 278 (2020); Charles, 466 Mass. at 83-84. The motion for reconsideration is denied. (Counsel are reminded of Rule 9A(a)(6) and that "Advance leave of court" does not mean a simultaneous filing.)		Image
09/03/2026	Affidavit of Attorney James L. Tuxbury	63	Image
09/03/2026	Notice of appeal filed. re: Denial of Motion for Reconsideration of the Court's Decision and Order on Special Motion to Dismiss Pursuant to the Anti-SLAPP Law, G.L. c. 231, sect. 59H Applies To: Aidan Kearney A/K/A Turtleboy (Defendant)	64	Image
09/08/2026	Defendant Karen Read's Motion to stay pending appeal	65	Image
09/08/2026	Karen Read's Memorandum of law in support of motion to stay pending appeal	65.1	Image

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
09/08/2026	Affidavit of Damon M. Seligson in support of motion to stay pending appeal	65.2	Image
09/08/2026	Exhibits/Appendix Exhibits to Affidavit of Damon M. Seligson in support of motion to stay pending appeal		Image
09/08/2026	Opposition to Defendant Karen Read's Motion to stay pending appeal filed by Jennifer McCabe, Brian Albert, Colin Albert, Brian Higgins	65.3	Image
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09/15/2026	MEMORANDUM & ORDER: MEMORANDUM OF DECISION AND ORDER ON DEFENDANT AIDAN KEARNEY'S MOTION TO STAY PENDING APPEAL For the foregoing reasons, Defendant Aidan Kearney's Motion to Stay Pending Appeal is DENIED. Judge: Gildea, Hon. Mark	74	Image
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09/21/2026	Endorsement on Motion to compel defendants Karen Read and Aidan Kearney's responses to outstanding requests for production (#82.0): Other action taken The plaintiffs' motion for an order compelling responses within ten (10) days is denied. Defendant Read's and defendant Kearney's cross-motions to extend the time to respond to plaintiffs' requests for 30 days from the date of the denial of their motions to stay are allowed. The motions to stay were denied on September 15, 2026. Defendants' responses are due on or before October 15, 2026.		Image
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10/23/2026	Notice of docket entry received from Appeals Court Please take note that on October 23, 2026, the following entry was made on the docket of the above-referenced case: ORDER (RE#6): The plaintiffs' assented-to motion requesting an enlargement of time to file a response is allowed to October 29, 2026. (Desmond, J.).	91	Image
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Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	The Nonparty shall, within ten (10) days, respond to Plaintiffs' Deposition Subpoena Duces Tecum that was served on August 6, 2026.		

Case Disposition

Disposition	Date	Case Judge
Pending		Gildea, Hon. Mark

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss. SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO.: 2683CV00541

JENNIFER McCABE; BRIAN ALBERT; COLIN ALBERT; and BRIAN HIGGINS,

Plaintiffs,

v.

KAREN READ and AIDAN KEARNEY,

Defendants.

FIRST AMENDED COMPLAINT

I. INTRODUCTION

1. This case arises from a multi-year conspiracy orchestrated by Karen Read ("Read") and Aidan Kearney ("Kearney") to subvert and prejudice the criminal justice process in Norfolk County, Massachusetts. Through a coordinated scheme, Read and Kearney sought to protect and enrich themselves by defaming, harassing, tormenting, and retaliating against the Plaintiffs, who served as witnesses in connection with the Commonwealth of Massachusetts' investigation into the death of John O'Keefe ("O'Keefe") and its prosecution of Read for his murder. More specifically, Read and Kearney conspired to defame and did defame the Plaintiffs by falsely asserting, among other things, that they were responsible for O'Keefe's death, conspired to conceal their roles in his death, and framed Read for murder. The Plaintiffs are now and have always been entirely innocent of any involvement in O'Keefe's tragic death.

2. Read's and Kearney's calculated operation to assassinate the character and reputations of the Plaintiffs has caused incalculable harm, subjecting them to a daily tidal wave of hatred, harassment, and intimidation. While the damage to these Plaintiffs has been catastrophic,

Read's and Kearney's lies have also caused a rupture within the Canton, Massachusetts community, poisoning the community's cohesion and discourse. Read's and Kearney's lies, which were amplified by a vigorous public relations campaign, tainted the criminal prosecution of Read and deprived the O'Keefe family and the Commonwealth of the justice they deserve.

3. The Plaintiffs bring this civil action to finally hold Read and Kearney accountable for the wreckage that their conduct has caused and to prove in a public forum governed by the rules of evidence that Read and Kearney, individually and collectively, pursued a deliberate scheme to spread lies about the Plaintiffs, used social media and other amplification means to achieve maximum penetration of those lies, and enriched themselves through their ill-gotten celebrity.

II. JURISDICTION & VENUE

4. This court has subject matter jurisdiction over this action pursuant to M.G.L. c. 212, § 3.

5. This case was originally filed in Barnstable County Superior Court pursuant to M.G.L. c. 223, § 1 since at least one party, Brian Higgins, resides in Barnstable County.

6. On May 27, 2026, pursuant to M.G.L. c. 211B, § 10, the Court ordered the case to be transferred to Plymouth County Superior Court.

III. THE PARTIES

7. Defendant Karen Read is a resident of North Dighton, Massachusetts. On January 29, 2022, an intoxicated Read struck O'Keefe with the back of her Lexus SUV, incapacitating him, and ultimately causing his death. On June 9, 2022, Read was arrested after being indicted by a grand jury for second-degree murder, manslaughter while operating a vehicle while under the influence of alcohol, and leaving the scene of an accident resulting in death in connection with her causing the death of O'Keefe. On July 1, 2024, a jury failed to reach a unanimous verdict on the

charged offenses, and the Court declared a mistrial. In 2025, the Commonwealth re-tried Read, and, on June 18, 2025, the jury convicted Read of driving under the influence of alcohol but concluded that the Commonwealth failed to prove Read's guilt beyond a reasonable doubt on the remaining charges.

8. Defendant Aidan Kearney, a.k.a. "Turtleboy," is a resident of Holden, Massachusetts. Kearney owns and operates the website tbdailynews.com and is responsible for the content that appears on that website. Kearney also owns and controls the YouTube channel Turtleboy Live, the Rumble channel TurtleboyDailyNews, the Facebook page tbdailynews, the X account under the handle DoctorTurtleboy, the Instagram page under the handle turtleboy_news, and the TikTok account under the handle turtleboy_daily_news. Kearney monetizes the content he publishes on these various platforms and outlets by selling merchandise and advertising, and by asking for donations to his CashApp account at $uncleturtleboy. In 2023, a grand jury indicted Kearney on witness intimidation charges related to his conduct towards the Plaintiffs. The grand jury accused Kearney of harassing the Plaintiffs, charging him with eight counts of witness intimidation, five counts of picketing a witness, and three counts of conspiracy to intimidate a witness.

9. Plaintiff Jennifer McCabe ("McCabe") is a resident of Canton, Massachusetts. McCabe testified publicly and under oath at the trial and re-trial of Read. She also voluntarily testified as a witness before state and federal grand juries.

10. Plaintiff Brian Albert ("Brian Albert") is a resident of Norwood, Massachusetts, and a retired sergeant of the Boston Police Department. Brian Albert testified publicly and under oath at the trial of Read. He also testified voluntarily as a witness before state and federal grand juries.

11. Plaintiff Colin Albert ("Colin Albert") is a resident of Canton, Massachusetts. Colin Albert testified publicly and under oath at the trial of Read. He also testified voluntarily as a witness before a federal grand jury.

12. Plaintiff Brian Higgins ("Higgins") is a resident of Sandwich, Massachusetts, and a special agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives. Higgins testified publicly and under oath at the trial of Read. He also testified voluntarily as a witness before state and federal grand juries.

13. Non-party John O'Keefe ("O'Keefe") was a resident of Canton, Massachusetts and a Boston police officer.

14. Non-party Alan Jackson ("Jackson") was Read's attorney.

15. Non-party David Yannetti ("Yannetti") was Read's attorney.

IV. FACTUAL BACKGROUND

16. On January 29, 2022, in the middle of a snowstorm, Read struck O'Keefe with the back of her Lexus SUV while she was driving drunk, leaving him to die in freezing temperatures on the front lawn of 34 Fairview Road in Canton, Massachusetts ("34 Fairview"). Read repeatedly told first responders on the scene, "I hit him. I hit him. I hit him," and made other incriminating statements, including telling the police that she did not see O'Keefe enter 34 Fairview on January 29, 2022. An investigation into O'Keefe's death resulted in the arrest, indictment, and prosecution of Read for his murder. Jackson and Yannetti represented Read in connection with the Commonwealth's prosecution.

17. Shortly after her arrest, and consistent with her several admissions of liability, Read's counsel, Yannetti, told the Court that O'Keefe's death was an accident by calling the charges "a tremendous reach," and explaining that Read had no criminal intent.

18. In January 2022, Kearney's occupation was that of an aspiring internet personality with limited reach in the Greater Boston area. He primarily commented on sports and other media reports. Kearney's objective was to attract attention to himself in order to build a brand and monetize his audience. To do so, Kearney routinely engaged in provocation and courted controversy. While he described himself at times as a "journalist," in fact, Kearney has no journalistic training, editorial standards, or oversight.

A. The Launch of the Defamation Campaign[1]

19. Despite her several admissions of liability, by the time she was indicted and arrested on murder and related charges in June 2022, Read had set in motion a defamation campaign to falsely blame others for O'Keefe's death to escape responsibility for her own culpability. Prior to her arraignment, Read falsely denied responsibility for O'Keefe's death and, contrary to her prior admissions, falsely stated to law enforcement officers that she was not responsible for O'Keefe's death. Instead, she falsely claimed that O'Keefe had been "beaten up by Brian and Colin Albert."[2]

20. Read knew this statement was false and that Brian Albert and Colin Albert had nothing to do with O'Keefe's death because she knew that she had hit O'Keefe with her car causing his death.

21. Read's false accusation against Brian Albert and Colin Albert was recorded on police body cameras and released to the public during a pretrial hearing in April 2024.

22. To facilitate the spread and publication of her lies, Read found and enlisted Kearney.

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[1] This First Amended Complaint does not include each and every example of Read's and Kearney's defamatory statements and conduct. Upon the conclusion of discovery, the Plaintiffs will identify all defamatory statements to be presented at trial.

[2] *Karen Read During Arrest: 'We're All In On The Same Joke Right?'*, COURTTV (Apr. 12, 2024), https://www.courttv.com/title/karen-read-during-arrest-were-all-in-on-the-same-joke-right/.

23. As of April 2023, Kearney and Read, through an intermediary and Read's counsel, began communicating with one another to further Read's defamatory scheme against the Plaintiffs. Kearney described the intermediary as "a copy and paste vessel that just sent messages between" Read and him.[3]

24. Read used an intermediary and her counsel to correspond with Kearney to conceal the Defendants' relationship and to create a basis upon which she could plausibly deny her role in Kearney's false claims.

25. Pursuant to this scheme, Kearney agreed to and did publicize and widely disseminate Read's false claims about the Plaintiffs and others in an effort to destroy the reputations of these individuals so that Read could evade responsibility for causing the death of O'Keefe. Kearney acted on behalf of Read in publishing defamatory statements about the Plaintiffs to assist Read in her trial by harassing the witnesses, harming their reputations and tainting the jury pool with false claims, and intimidating them to not testify or change their testimony. Kearney has repeatedly acknowledged that his work was done on behalf of Read, including crudely stating in May 2026: " [Read] couldn't have done sh*t without me. . . ."

26. In addition, Kearney entered into this scheme with the intent and expectation that his publication of Read's defamatory statements and his own defamatory and outrageous conduct in harassing and intimidating the witnesses, including Plaintiffs, would bring him notoriety, expand his audience, and increase his personal fortune. That is, from the outset, Kearney sought to monetize his defamation and willingly defamed, harassed, and tormented the Plaintiffs for that purpose.

[3] Andrea Burkhart, *Karen Read trial – Journalism and Revolution – A conversation with Dr. Turtleboy Aidan Kearney*, YOUTUBE (Jan. 29, 2025), https://youtu.be/SgS-P3a_jgY.

27. As part of this scheme, Read sought to launder defamatory material by gratuitously including it in pleadings filed with the Court. For example, on April 12, 2023, Read, through her counsel, filed a discovery motion for a second time to obtain Brian Albert's phone in which she falsely stated that Brian Albert and Colin Albert were responsible for O'Keefe's death and that McCabe was the "mastermind" who covered it up. Read knew these statements were false.

28. Read, through her counsel, also attached several non-public documents to the filing that had zero relevance to the narrow issue before the Court. The purpose, in part, of those extraneous non-public documents was to convey them surreptitiously to Kearney, who then would amplify the public dissemination of the defamatory material, all in furtherance of the Defendants' defamation scheme. For example, Read attached an unredacted copy of the Canton Police Department's Incident Report that listed the private addresses, cellphone numbers, and social security numbers of, *inter alia*, the Plaintiffs. Read made this filing in direct violation of Massachusetts Supreme Judicial Court Rule 1:24,[4] and did so for the purpose of giving this information to Kearney so that he would further disseminate Read's false claims.

29. Read, directly and through her counsel, provided other selective and distorted information to Kearney that she purportedly obtained from federal law enforcement authorities. Read and her counsel knew that this information was not public. Neither Read nor her counsel were authorized to share such information with Kearney. Read and her counsel laundered this information through Kearney so that he would then publish it in furtherance of their defamation of the Plaintiffs.

[4] Massachusetts Supreme Judicial Court Rule 1:24 prohibits the filing of personal identifying information in court documents without appropriate redactions "to reduce the possibility of using such documents for identity theft, the unwarranted invasion of privacy, or other improper purposes."

30. Indeed, Read and her counsel would thereafter proffer Kearney's reporting with respect to the federal investigation in open court in an attempt to convey that their statements to the court regarding the federal investigation were independently corroborated. This is commonly known as "circular reporting," a practice in which information is laundered or disseminated to the media and later cited as an independent source despite originating from the same underlying source.

31. After the April 12 filing, Read, through her intermediary, forwarded the filing to Kearney for the purpose of Kearney publishing and widely disseminating her false statements.

32. With encouragement and direction from Read, Kearney published his first blog post days after receiving these false statements from Read. Indeed, prior to Kearney's April 18, 2023 publication, Kearney shared his draft blog with Read, through her intermediary, who provided Kearney with dozens of "corrections," which Kearney understood to be from Read. After Kearney received and adopted these "corrections," Read, through her intermediary, texted Kearney, "Amaze ball sauce!!!!!" and "Thank you soooo much."

33. Then, on April 18, 2023, the Defendants' defamation campaign went public when Kearney published the first two parts of his "Canton Coverup" series.[5] In Part I, Kearney stated that "Jennifer McCabe did not kill John O'Keefe, since she's not physically capable of that. Brian Albert, Colin Albert, and the dog were more than capable of that, and Colin Albert had the motive. McCabe was just the quarterback of the coverup." He also explained that "Jennifer McCabe would never have been able to cover up this murder without the assistance of law enforcement." Kearney

[5] As of the date of filing, this series is now up to 550 parts.

admitted that he made these statements based on beliefs relayed to him by his "sources."[6] Although not identified at the time, these "sources" were Read and her legal team. In Part II, Kearney posted screenshots of people's messages to him that were critical of his defamatory statements.[7] He made no effort to redact the names and proceeded to publicly mock them. Kearney claimed that "[m]ost people are shocked and outraged about the mountain of evidence indicating that O'Keefe was killed by fellow BPD Sergeant Brian Albert, his nephew Colin Albert, and possibly others."

34. In reality, this blog post by Kearney, like numerous other defamatory statements that he made, was funneled by Read to her accomplice, Kearney, with knowledge that he would publish it on her behalf.[8]

35. To Fox News, Kearney later explained that after he published the beginning of his "Canton Coverup" series, his blog "exploded." He had a "record-setting audience" with over "half a million views."[9] Elsewhere, Kearney explained that when he would first go live on his YouTube channel, he would usually have about 300 live viewers, but he had over 2,000 on the first night during his first live stream about the "Canton Coverup."[10]

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[6] Aidan Kearney, *Canton Cover-Up Part 1: Corrupt State Trooper Helps Boston Cop Coverup Murder Of Fellow Officer, Frame Innocent Girlfriend*, TB DAILY NEWS (Apr. 18, 2023), https://tbdailynews.com/2023/04/18/corrupt-state-trooper-helps-boston-cop-coverup-murder-of-fellow-officer-frame-innocent-girlfriend/.

[7] Aidan Kearney, *Canton Cover-Up Part 2: Family And Friends Demand That We Stop Reporting Factual Things About Framing Karen Read For John O'Keefe's Murder And Covering Up For Killers*, TB DAILY NEWS (Apr. 18, 2023), https://tbdailynews.com/2023/04/18/family-and-friends-demand-that-we-stop-reporting-factual-things-about-framing-karen-read-for-john-okeefes-murder-and-covering-up-for-killers/.

[8] Ironically, the April 18, 2023 post was not actually Kearney's first blog concerning the investigation and prosecution of Read. Just weeks after O'Keefe's death in February 2022, after the District Attorneys' Office publicly identified the key evidence, including providing details about O'Keefe's injuries, Kearney declared during his show: "***No doubt she killed him because the taillight was out***." Turtleboy Live, *Ep #454 – Don't Hate Your Kids*, YOUTUBE (Feb. 10, 2022), https://www.youtube.com/watch?v=9iIgVhBs8lg. He also noted that Read was drunk. Kearney's only question was whether she hit him by accident or intentionally. Upon joining Read's defamation scheme, however, he has blindly followed Read and recklessly disregarded voluminous evidence that he previously admitted points to her culpability, including her broken taillight."

[9] Turtleboy Live, *Fox News – Karen Read Verdict Day*, YOUTUBE (Nov. 21, 2025), https://youtu.be/NMNgwzBgzNo.

[10] *See supra*, n.3.

36. With this newly found audience, Kearney was now able to disseminate Read's false narrative to an even larger audience as Read intended. Indeed, given the success of the first show at publishing and disseminating Read's false narrative to a wider audience, Read's intermediary told Kearney that Read's counsel, Jackson and Yannetti, wanted to speak directly with Kearney. The conversation between Kearney and Read's counsel occurred on April 20, 2023, in which they spoke about Read's campaign. Kearney secretly recorded that conversation.

37. Two days after speaking directly to Read's counsel, on April 22, 2023, Kearney made additional false statements at the direction of Read. In Episode 575 of his "Weekend Live" show, Kearney repeated Read's false claim that O'Keefe was killed inside 34 Fairview during a fight with Colin Albert and/or Brian Albert. During that show, Kearney also used the phone numbers that Read and her counsel intentionally made public in their April 12, 2023 Rule 17 motion. Kearney used those numbers to call McCabe and Brian Albert and directly accuse them both of a cover up. Kearney's voicemail left on Brian Albert's phone asked, "[D]id you kill John O'Keefe or was it your nephew Colin, and are you covering for him? How did your dog get downstairs and begin biting Mr. O'Keefe?"

38. Later in the April 22, 2023 show, Kearney shared images of the Canton Police Department's Incident Report, distributing to his thousands of followers the private addresses, phone numbers, and social security numbers of the Plaintiffs. As a direct result of Kearney publicizing their personal identifying information, which he received from Read, the Plaintiffs—who were not generally recognized or responsible for O'Keefe's death—began to experience disturbing levels of defamation, harassment, and abuse by members of Kearney's audience.

39. This is exactly what Read intended when she began to use Kearney to disseminate and publish her false story.

40. Indeed, ***minutes after*** Kearney's April 22, 2023 broadcast ended, Yannetti, who was watching the live broadcast, messaged Kearney congratulating him: "***That was priceless, dude. GREAT f*cking show, really enjoying the turtle reporting***."

41. Yet, Read and her counsel repeatedly deceived the public about Read's coordination and relationship with Kearney, in part, because they knew that using Kearney as a defamation mouthpiece could subject Read to civil liability for defamation and related civil misconduct.

42. For example, during a September 2023 Boston Magazine interview, Read and her counsel stated that they had never been in contact with Kearney.[11] This statement was false and intended to hide the fact that Kearney was carrying out Read's defamatory scheme.

43. Moreover, 20 months after telling Kearney that his April 22, 2023 show accusing McCabe, Brian Albert and Colin Albert of being involved in the death of O'Keefe was a "GREAT f*cking show," Yannetti disavowed Read's relationship with Kearney. In an address he gave at Boston College Law School on November 11, 2024 regarding Read's first trial, Yannetti said he had concerns about Kearney and that he was someone "you want to keep at arm's length." Yannetti also said, notwithstanding his undisclosed direct and indirect communications and coordination with Kearney, that Kearney's tactics "are not the tactics of a refined defense attorney.'"[12]

44. Similarly, Jackson publicly denied communicating and coordinating with Kearney. In an October 18, 2024 interview, Jackson denied involving Kearney in Read's public strategy. Yet, during that same interview, Read acknowledged she had communicated with Kearney

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[11] Gretchen Voss, *The Karen Read Case in Canton: The Killing That Tore a Town Apart*, BOSTON MAGAZINE (Sept. 27, 2023), https://www.bostonmagazine.com/news/2023/09/27/canton-karen-read/.

[12] Alyssa Hatfield, *Defending Karen Read*, BOSTON COLLEGE LAW (Nov. 11, 2024), https://lawmagazine.bc.edu/2024/11/defending-karen-read/#:~:text=The%20jury%20deadlocked%20on%20the%20verdict%2C%20resulting,keep%20bail%20charges%20at%20a%20reasonable%20amount.

frequently, but she limited that disclosure, claiming that the two only spoke in the "months" leading up to her March 2024 criminal trial.[13]

45. On April 24, 2023, Kearney published Part 10 of his "Canton-Cover-Up" series, wherein he again accused McCabe of "covering up a murder and pretending to be a compassionate person while a completely innocent woman faces decades in prison."[14] In response, Read—through her intermediary—messaged Kearney stating, "Please tell [Kearney] – that article might be his best so far." Kearney responded, "Really? That from her [Read]?" The intermediary replied "Yup."

46. Since April 2023, Kearney has published 545 parts to his "Canton Coverup" series, along with countless other pieces of content, including posts on X and YouTube, falsely claiming that the Plaintiffs were responsible for O'Keefe's death. Kearney's content has spanned thousands of tweets, hundreds of blog posts, hundreds of YouTube videos, and countless other public statements across a variety of platforms. Kearney has also continued to spread his harmful, defamatory statements in interviews with multiple sources.[15]

B. The Conspiracy Continues

47. Read and Kearney continued communicating before, during, and after her trials to coordinate their defamation of the Plaintiffs. Read and Kearney agreed to act in concert and used

[13] Abby Patkin, *Highlights from Karen Read's 'Dateline' special, from a 'coy' tipster to calls with Turtleboy*, BOSTON.COM (Oct. 21, 2024), https://www.boston.com/news/crime/2024/10/21/karen-read-dateline-special-highlights-tipster-turtleboy/.

[14] Aidan Kearney, *Canton Cover-Up Part 10: Jennifer McCabe Hired Boomer Mobster Attorney Kevin Reddington Who Claims She Passed A Polygraph Test*, TB DAILY NEWS (Apr. 24, 2023), https://tbdailynews.com/2023/04/24/jennifer-mccabe-hired-boomer-mobster-attorney-kevin-reddington-who-claims-she-passed-a-polygraph-test/.

[15] Aidan Kearney, *Canton Coverup Part 542: A Complete Listing Of Every Turtleboy Interview Before And After Karen Read Not Guilty Verdict*, TB DAILY NEWS (Nov. 21, 2025), https://tbdailynews.com/2025/11/21/canton-coverup-part-542-a-complete-listing-of-every-turtleboy-interview-before-and-after-karen-read-not-guilty-verdict/.

their defamation of the Plaintiffs to subvert the Commonwealth's prosecution, to attract an audience, and to monetize that audience and their celebrity.

48. In furtherance of this scheme, Read regularly funneled non-public information to Kearney using tradecraft, such as intermediaries and encrypted messaging applications, so that Kearney could selectively publish—at Read's behest—certain non-public material for the purpose of casting false suspicion on the Plaintiffs and away from Read. Read instructed Kearney to falsely claim that he had not received information from Read when, in fact, he had done exactly that.

49. For example, on April 23, 2023, despite having already publicly accused Colin Albert of O'Keefe's murder at Read's direction and encouragement, Kearney inquired of Read's intermediary regarding how Read knew that Colin Albert was ever at 34 Fairview on January 29, 2022, after O'Keefe allegedly arrived. In response, Read (through the intermediary) responded, "Brian and Nicole & Chris and Julie all testified he was there. But I can't send [grand jury] testimony because it's sealed." That statement was not true as no witness ever testified that Colin Albert was at 34 Fairview on January 29 after Read's vehicle arrived at that location.

50. That same day, Read also informed Kearney through the intermediary about the details of an alleged non-public, ongoing, separate investigation apparently related to law enforcement's investigation of O'Keefe's death. In a message to Kearney, Read (through the intermediary) stated, "Not public: the feds have been involved longer than anyone is likely guessing."

51. Moreover, on December 1, 2023, Kearney posted a YouTube video in which he included audio that had been recovered from O'Keefe's phone by investigators.[16] Wearing a

[16] Turtleboy Live, *Karen Read Case: Jen McCabe 911 Tape Breakdown*, YOUTUBE (Dec. 1, 2023), https://www.youtube.com/watch?v=rp2KMDRPYeQ.

"Jackson Yannetti 2024" t-shirt that is for sale on his website, Kearney played audio from a voicemail that Read was leaving for O'Keefe at the time she found O'Keefe's body, incidentally capturing McCabe calling 911. At the time of Kearney's YouTube video, only the Commonwealth, Read, and Read's legal team possessed the audio file.

52. Eventually, Read and Kearney started communicating directly for the purpose of sharing information, coordinating the timing of defamatory publications, and aligning Read's litigation strategy with their shared public defamation campaign. To do so, Read utilized Signal, an encrypted messaging system that avoids detection and aids deletion of communications. Read and Kearney ultimately exchanged over 189 phone calls, totaling more than 40 hours in 2023 alone, not including the countless messages exchanged through Signal. In conspiring with Kearney to defame the Plaintiffs, Read knew that Kearney's and her statements blaming Plaintiffs for the murder of O'Keefe were false because, in reality, she was responsible for O'Keefe's death.

53. In furtherance of the scheme, on May 3, 2023, Kearney met with Read, Jackson, and Yannetti for the purpose of coordinating Kearney's extrajudicial defamatory publications with Read's litigation and media strategy.

54. The same day, and after the meeting with Read and her counsel, Kearney posted a YouTube video reacting to Jackson's press conference after a court appearance.[17] During this video, Kearney stated, "John O'Keefe was murdered by Brian Albert and by Colin Albert and that frickin dog and every other single person in that house who remains quiet to this day and participated in the lie . . . they're all guilty of murder as far as I'm concerned. They're participating in it." By accusing "every other single person in that house," Kearney intended to include McCabe

[17] Turtleboy Live, *Karen Read Post-Court Press Conference at Norfolk County Superior Court 5.3.2023*, YOUTUBE (May 3, 2023), https://www.youtube.com/watch?v=rOGm4devM0U&list=PLuKu6r4EYPRXKvtQHPemwnQSGHU4W7K2K&index=11.

and Higgins in his defamatory statement, a fact that his followers would have understood in light of prior publications.

55. On May 7, 2023, Kearney, who had already repeatedly defamed and harassed the Plaintiffs, acknowledged the incoherence of Read's twin narratives that O'Keefe was purportedly killed shortly after entering the house and that a Google search was performed at 2:27 a.m. suggesting he was still alive. He noted the Google search allegation made no sense if Read's theory was that Officer O'Keefe was already dead. Instead, Kearney called it a "frame job" and told Read's intermediary, "I hope [Read] realizes that [the Google search] completely invalidates the defense and ***it's starting to make me worry about what I've now tied myself to***." Kearney failed to conduct any diligent inquiry, abandoned fundamental journalistic standards, disregarded the obvious flaws and inconsistencies in Read's theories, and continued to act at Read's direction in disseminating those allegations to the public.

56. On May 24, 2023, in conjunction with publishing Part 39 of his "Canton Coverup" series, Kearney published a YouTube video reacting to Jackson's press conference following another court appearance.[18] In the video, Kearney stated, "Jennifer McCabe and Brian Albert were involved. They are covering it up." In a subsequent blog post, he continued, "The McCabes have the look of evil in them when you see them in person. These are people with no shame, and aren't the least bit deterred by the fact that millions of people know that they participated in the murder and subsequent cover up of a murder of a Boston Police Officer."[19]

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[18] Turtleboy Live, *Karen Read Rule 17 Hearing – Defense Team Press Conference and Post Court Thoughts*, YOUTUBE (May 24, 2023), https://www.youtube.com/watch?v=2NwB4BUZrLI&list=PLuKu6r4EYPRXKvtQHPemwnQSGHU4W7K2K&index=22.

[19] Aidan Kearney, *Canton Cover-Up Part 39: Judge Cannone Cancels Evidentiary Hearing, Refuses To Allow Defense to Question Jen McCabe And Brian Albert, Karen Read Speaks For First Time*, TB DAILY NEWS (May 24, 2023), https://tbdailynews.com/2023/05/24/canton-coverup-part-39-judge-cannone-cancels-evidentiary-hearing-refuses-to-allow-defense-to-question-jen-mccabe-and-brian-albert-karen-read-speaks-for-first-time/.

57. On May 25, 2023, following a hearing in Norfolk County Superior Court, Read and her legal team appeared on the courthouse steps and spoke with members of the media.[20] In that press conference, in response to a reporter asking who he thinks was involved in the death of O'Keefe, Jackson stated that, "there are people who were in that house that are involved: Brian Albert is involved, Jennifer McCabe is involved, the rest of the folks that were in that house, there's some level of involvement by every one of them. Every single one of them."

58. Days later, on May 30, 2023, Kearney published Part 43 of his "Canton Coverup" series, wherein he discussed McCabe yet again, referring to her as "horse face" and reposting a video that Kearney previously took confronting McCabe and calling her a "cop killer."[21] Notably, the blog post covered the denial of an *ex parte* harassment prevention order ("HPO") that McCabe sought against Kearney in Stoughton District Court based on his repeated public harassment of her. However, McCabe's HPO request was not public information. Instead, Kearney received this information directly from Read's counsel, Yannetti, who sent a text message to Kearney that McCabe's request for an HPO had been made and denied. In particular, Yannetti wrote to Kearney, "HPO Denied."

59. Then, on June 6, 2023, McCabe traveled with her husband to attend their children's sporting event in Billerica, Massachusetts. Kearney traveled to the same event, at Read's behest, for the purpose of accosting the McCabes, which he did in a video that he posted online. Kearney then wrote a blog post about the interaction stating, "Jen and Matt McCabe do not deserve to live a normal life and pretend that they weren't involved in murdering a Boston Police Officer." In a

[20] COURT TV, *Boston Cop Killed Suspect Karen Read Speaks Out*, YOUTUBE (May 25, 2023), https://www.youtube.com/watch?v=AS01e8XbDyI.

[21] Aidan Kearney, *Canton Cover-Up Part 43: Jen McCabe Denied Harassment Prevention Order Against Turtleboy In Stoughton District Court*, TB DAILY NEWS (May 30, 2023), https://tbdailynews.com/2023/05/30/canton-coverup-part-43-jen-mccabe-denied-harassment-prevention-order-against-turtleboy-in-stoughton-district-court/.

subsequent video, Kearney again discussed his harassment of the McCabe family stating, "I went to her kid's lacrosse game and made a scene there and got kicked out . . . because I kept calling her a cop killer."[22]

60. On July 23, 2023, Kearney met with Read and Jackson again in person. The purpose of this meeting was for Read, Jackson, and Kearney to meet with a national CBS News correspondent over dinner at a steakhouse in downtown Boston to discuss Read's criminal case. This meeting occurred the day after a "rolling rally" organized by Kearney took place, where nearly 50 cars drove in tandem through the streets of Canton expressing their support for Read. During the rally, Kearney stopped at the homes of Brian Albert and McCabe (who was home at the time), shouting into a bullhorn that Brian Albert and McCabe were covering up O'Keefe's murder. Kearney's behavior at the rally enjoyed the support of Read and her legal team. Indeed, the day of the rally, Yannetti messaged Kearney, "Thank you for your continued support."

61. The next day, Kearney hosted his Weekend Live Show on YouTube.[23] During his show, Kearney stated that "Jen McCabe killed or helped to kill, let's keep it a buck, that's what she did, she killed John O'Keefe." He proceeded to question why O'Keefe's family was associating with McCabe by stating, "[Jen McCabe] killed her uncle and then you're escorting her to the f*cking orientation" and "[Jen McCabe] killed your son. She f*cking killed him."

62. On August 9, 2023, Kearney published Part 96 of his "Canton Coverup" series.[24] He began the blog post by explaining, "The movement for justice for John O'Keefe and Karen

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[22] RissFlex, *ELITE MA CORRUPTION ft. TURTLEBOY!*, RUMBLE, https://rumble.com/v3a5bri-elite-ma-corruption-ft.-turtleboy.html?e9s=src_v1_s%2Csrc_v1_s_o&sci=062228d5-b064-4d13-832e-c98f2d113fbd (last visited Apr. 15, 2026).

[23] Turtleboy Live, *Ep #593 – Boston House of Horrors Cover-Up, Photographer Beef, Canton Updates*, YOUTUBE (June 24, 2023), https://www.youtube.com/watch?v=U-eoYStQnQk&list=PLuKu6r4EYPRXKvtQHPemwnQSGHU4W7K2K&index=35.

[24] Aidan Kearney, *Canton Cover-Up Part 96: Canton Citizens Revolt At Selectboard Meeting After Chief Rafferty Blames Peaceful Protestors For Making Jen McCabe Feel Unsafe, Says Turtleboy Broke The Law*, TB DAILY NEWS

Read continues to grow by the day. Although Turtleboy was the first media outlet to really dig deep into this story, it has taken on a life of its own independent of our award winning journalism. The Facebook group dedicated to discussion of this topic has nearly 20K members and is one of the more active groups you will see on the platform."

63. In his post, Kearney bragged about the fact that he was able to amass his followers with "well over 100 cars, and at least 200-300 people scattered everywhere" in front of the McCabe home. He included pictures of himself wearing a "FREE KAREN READ" t-shirt next to someone wearing the t-shirt sold by Kearney.

64. Kearney lambasted the Canton Police Chief by stating, "It's disgusting and pathetic that this public official is treating a cop killer like the victim of a crime. This is the problem – the McCabes and Alberts are treated as royalty in this town, and they know that the police will go out of their way to protect them. This is why they felt so emboldened to kill a man, frame a woman, and think they could get away with it." Kearney stated, "It's painfully obvious to anyone with a brain that the McCabes and Alberts murdered John O'Keefe."

65. On September 5, 2023, Kearney directed remarks in a YouTube video towards Chris Albert, the father of Colin Albert.[25] He bragged, "I go down to your pizza shop and I stand out there for an hour and I yell sh*t about your son. I just sh*t all over your child, Chris. . . . I go down there and I sh*t all over him and I accuse him of some of the most heinous things possible and I affect business. People don't want to go into your business because of the things that I'm

(Aug. 9, 2023), https://tbdailynews.com/2023/08/09/canton-coverup-part-96-canton-citizens-revolt-at-selectboard-meeting-after-chief-rafferty-blames-peaceful-protesters-for-making-jen-mccabe-feel-unsafe-says-turtleboy-broke-the-law/.

[25] Turtleboy Live, *Ep #611 – Karen Read Case: Is Chris Albert Suing Turtleboy, Federal Grand Jury*, YOUTUBE (Sept. 5, 2023), https://www.youtube.com/watch?v=kwMDVR_8Iao.

saying. I'm telling cars going by what your family did and what you're being accused of and what you've done to cover this thing up and what a scumbag you are and how you don't pay your bills."

66. By early September 2023, Read's team was concerned that the police were potentially going to charge Kearney with witness harassment. Read's counsel, Yannetti, expressed "concern" to Kearney that, if that happens, "then a judge prohibits you from having contact with witnesses." This prospect concerned Read, Yannetti, and Jackson, since they feared silencing Kearney would impact the Defendants' campaign against the Plaintiffs. Indeed, on September 9, 2023, Yannetti messaged Kearney, regarding (among others) the Plaintiffs, stating, "These b*stards deserve all the scorn we are giving them." With Kearney silenced, the "scorn" Read intended to incite might diminish.

67. In addition to using Kearney as a tool to seed the public discourse with defamatory material, Read, through her counsel, also hired a private investigator, Sara Ness ("Ness"). Ness had previously worked with Jackson in connection with his representation of disgraced sex offender, Harvey Weinstein, and was deployed in that case to discredit victims of Weinstein's crimes.[26]

68. On September 17, 2023, at the direction of Read and Jackson, Ness visited the home of Higgins. Read and Jackson directed Ness to question Higgins and other witnesses using tactics similar to those used against victims and witnesses in the Weinstein criminal trial. While Ness confronted Higgins, who Read and her counsel knew was represented by counsel at the time, Read and her counsel watched from a blacked-out SUV, with Read texting Kearney in real time about Ness's efforts: "Sorry/ in the car with the lawyers. Stirring sh*t up again."

[26] *See* Ronan Farrow, *Harvey Weinstein's Army of Spies*, THE NEW YORKER (Nov. 6, 2017), https://www.newyorker.com/news/news-desk/harvey-weinsteins-army-of-spies (identifying Ness as one of Weinstein's "spies.").

69. When Higgins refused to speak with Ness, Read texted Kearney again, this time seeking the address of Sarah Levinson, another witness who would ultimately testify against Read.

70. Following Higgins's refusal to cooperate with Ness, the Defendants directed additional defamation and defamatory conduct at him. As a federal law enforcement special agent with covert "under cover" responsibilities, Higgins suffered profound damage to his career as a result of the Defendants' false and widely publicized statements that Higgins was involved in O'Keefe's murder. In addition, due to Read's and Kearney's defamation, individuals have traveled to Higgins's residence for the purpose of taking photographs and videos. Higgins has been surveilled, and individuals inspired by Read's and Kearney's defamation campaign have trespassed and vandalized his property. Kearney himself has personally harassed Higgins by visiting Higgins's residence on multiple occasions for the purpose of confronting him and generating content to be published on platforms Kearney controls.

71. On September 14, 2023 Kearney hosted a Turtleboy Live Show.[27] In his show, Kearney stated, "I would recommend[,] if you don't feel uncomfortable[,] talk to Chris Albert about it, talk to Chris Albert. All he has to do is come clean and get this son to admit what he did and get his brother to admit what he did and then this thing's over and there's no more going to kids games and interviewing you and going to your goddam pizza shop. It all f*cking ends."

72. On September 19, 2023, Kearney hosted his Weekday Live Show.[28] In his show, Kearney stated, "What I'm saying right now is not, I'm not saying this as a matter of opinion. I'm saying this as a matter of fact that Jen McCabe participated in killing and planning to kill and cover

[27] Turtleboy Live, *Calling Norfolk superior court*, YOUTUBE (Sept. 14, 2023), http://youtube.com/watch?v=pB01Ttw4dfs

[28] Turtleboy Live, *Ep615 – Karen Read Case: Attorney Bob Motta Discusses Friday's Hearing | Confrontation in Canton*, YOUTUBE (Sept. 19, 2023), https://www.youtube.com/watch?v=WeJNDzyqjHc&list=PLuKu6r4EYPRXKvtQHPemwnQSGHU4W7K2K&index=73

up the murder of John O'Keefe. I am saying that, that is not my opinion that is a fact." He went on to taunt McCabe by exclaiming, "Jen McCabe participated in killing John O'Keefe. So sue me. Why don't you just sue me? Because you did it. Because she did it. That's why because she did it."

73. During the same live show, Kearney also called McCabe's brother-in-law, Bob Galvin, after someone sent Kearney $10 to his CashApp with Mr. Galvin's number. Kearney left a voicemail for Mr. Galvin in which he claimed, among other things, "your sister-in-law Jen she done killed that motherf*cker."

74. Thrilled by the level of exposure and overall impact that Kearney's publications were having on Read's defamation campaign, Read messaged Kearney through Signal on September 29, 2023, stating, "***Look at what you've done to their reputations!! And to MY jury pool!*** Chris [Albert]'s business is the next casualty. Just a matter of time." Read was referring to the public degradation of the reputations of, among others, the Plaintiffs.

75. Around this same time, Read and Kearney became "Administrators" of the Facebook group "Justice for Officer John O'Keefe & Karen Read-Turtleboy Official." As Administrators, Kearney and Read maintained complete control over the Facebook group, including the ability to approve or deny posts, delete posts or comments, and approve or deny new members. The group became a feeding ground for defamatory and harassing posts made regarding the Plaintiffs. Read personally posted in the group on several occasions, including instances where she shared confidential information regarding her criminal case that had not been previously made known to the public.

76. On March 12, 2024, Kearney posted a two-hour recap following one of the last court appearances before Read's first trial.[29] In the video, Kearney stated, "We called them murderers because they are. They are. They murdered John O'Keefe and I will not shut up about that. You can call them witnesses all you f*cking want. They murdered John O'Keefe. That is a fact. It is undeniable. We don't know who delivered the fatal blow but they all f*cking did it."

77. Kearney attempted to justify his harassment and defamation of the Plaintiffs by claiming that they deserved it. For example, Kearney admitted that he harassed McCabe at her daughter's lacrosse game and attempted to justify that conduct as follows: "Well guess what? Jennifer McCabe murdered a Boston police officer. She doesn't have a right to not be asked questions in public about that. You murdered someone. You don't get to just walk around like none of this happened."

78. Before launching the defamation campaign with Read against the Plaintiffs, Kearney's YouTube channel only had 25,000 subscribers. Before the first trial, Kearney's followers had ballooned to 70,000 YouTube subscribers.

C. The Profit Model

79. Kearney's willingness to work with Read and his conduct is based on twin motives: greed and fame. Kearney's business model relies on his ability to attract an audience by spreading outrage and mistrust including, most centrally, through his defamatory statements about the Plaintiffs. It is a very lucrative business model. Kearney and Read have built an audience and personal celebrity by spreading these false narratives.[30]

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[29] Turtleboy Live, *Ep645 – FBI Bombshells at Karen Read Hearing*, YOUTUBE (Mar. 12, 2024), https://www.youtube.com/watch?v=LDVSQXXL4R4&list=PLuKu6r4EYPRXKvtQHPemwnQSGHU4W7K2K&index=126

[30] *See generally* Richard J. Hofstadter, *The Paranoid Style in American Politics, and Other Essays* (1964).

80. Kearney holds himself out as a trusted reporter, regularly referring to himself as an award-winning journalist and a truth teller when, in fact, he is nothing more than a willing purveyor of and vessel for defamatory material that Read fed him to publish for her own selfish purposes. Once Kearney captures his audience's attention with outrageous claims, he exploits their anger and mistrust by urging them to pay him money in exchange for products that echo the false worldview he promotes. In his internet-based shows and content, Kearney hawks merchandise exploiting the "Canton Coverup," his dishonest characterization of events ("a Boston cop possibly being involved in murdering another cop, followed by an elaborate coverup designed to frame the murdered cop's girlfriend"), a design featuring a Massachusetts license plate with the word "FRAMED" as the number, and a t-shirt featuring the text of a google search that Kearney has repeatedly lied about, to name just a few.[31]

81. Kearney consistently hustles his followers to donate directly to him on his homepage and in his posts. His YouTube features a "Defense Fund" where followers continue to send him money in his pursuit of "defend[ing] free speech."[32] And during his live streams, he shares the names and messages of people who donate to him directly while watching his content. For example, during one live stream, he listed that "Stephanie sends 10 bucks and says, Brian Higgins car front of mailbox. How does that work? Help. . . .Thank you very much. Stephanie. Jim Ferris Bueller sends five bucks and says, Hey Liberace, that shirt's going to irritate your nips. . . . Jason EMT sends five bucks. No comment. Thank you, Jason EMT. . . . Carrie sends five bucks and says, what News Station is covering the trial? All of them. All of them. Brooke sends $2.50,

[31] *Shop*, TB DAILY NEWS, https://tbdailynews.com/shop/ (last visited Apr. 11, 2026).

[32] *Help Turtleboy defend free speech*, GIVESENDGO, https://www.givesendgo.com/GB83T?fbclid=IwAR3OEFux3cnn-Hgudot8Ont5PT5AzXeeXsEcDTsVYIS5HivoqGPTcT8ExYQ (last visited Apr. 15, 2026).

says Free Karen Read. And can you say, hi, Jennifer. Hi Jennifer. Greg sends $50 and says Class of 94. We love you, John. Great to see that. Great to see that. Thank you very much, Greg. Okay. And Laura sends 10 bucks and says, please wear that shirt to court Tuesday."[33] After personally recognizing his followers, Kearney goes on to direct his other followers to donate to him at the link on his website or directly through CashApp.

82. Kearney's followers buy subscriptions, donate to him, purchase his merchandise, and continue to visit his website and YouTube page, all of which boost his attractiveness to advertisers.

83. Kearney has estimated his monthly income to be $45,000-$50,000, which he attributes to his defamatory discussions of the Read case.[34]

84. Kearney publicly defends this corrupt business model by explaining, "Well, it's capitalism. If . . . [he creates] a service that people think is worth giving their hard-earned money to, that's capitalism. That's their choice." He claims that "people want to give [him] money. People wanna buy Turtle Club subscriptions. People wanna buy stuff from the store."[35]

85. In coordination with Read, and at her behest, Kearney spread elaborate and false narratives about the Plaintiffs because doing so attracted attention, personal notoriety, and a buying audience. He deliberately stokes social anxiety and political discord in his listeners, because distrust in government and cultural tribalism motivates those listeners to buy his products.

86. Kearney also sought production and movie deals to further monetize his highly public defamation and harassment campaign against Plaintiffs. On July 1, 2023, just three months

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[33] Turtleboy Live, *Ep656 – Karen Read: TB Interviews Dismissed Juror, Jill Daniels Self-Doxxing & Julie Grant*, YOUTUBE (Apr. 20, 2024), https://www.youtube.com/watch?v=nrYA1fwaUck.

[34] Catherine Elton, *"Free Karen Read" Blogger Turtleboy Will Not Go Quietly*, BOSTON MAGAZINE (May 19, 2024), https://www.bostonmagazine.com/news/2024/05/19/who-is-turtleboy-aidan-kearney/.

[35] Aussie Insider, *Aidan Kearney Unplugged*, YOUTUBE (July 18, 2025), https://youtu.be/27wCMD4SXX4.

after Kearney began working with Read to disseminate her false claims and harass witnesses, Kearney reported to Jackson that he had received an offer for a Karen Read documentary from B17 Entertainment, a California production company.

D. The Trial of Karen Read

87. Read's first trial began with jury selection on April 16, 2024. Kearney took to his live stream on April 17 and wondered "if they can find jurors that aren't tainted already" because "Turtleboy is everywhere."[36] He proceeded to claim that they "can't find a jury in the United States of America, anywhere, any county, anywhere," because "Turtleboy's too big."

88. On April 20, 2024, Kearney interviewed an excused juror who had previously engaged with his content and had been a member of his Facebook group.[37] She explained that when she arrived for jury duty, she saw Free Karen Read signs all along the street, and people wearing pink in support of Read, and that she could hear the protestors inside the courthouse. She also said that everyone in the room said that they had previously heard about the case.

89. During the same live stream, Kearney played a clip covering the courthouse from CourtTV. He proceeded to verbally attack the host who expressed dissatisfaction with the conduct of Kearney and his followers, claiming it was "disgraceful" for them to harass O'Keefe's family. Kearney said, referring to McCabe, "You know what's disgraceful? Julie Grant . . . I'll tell you what's really disgraceful is when somebody who Googled how long to die in cold at 2:27 AM because they wanted to make sure, or they wanted to see and find out how long it would take for John O'Keefe to die in the snow. When a person like that shows up with the O'Keefe family and rubs their shoulders and starts a support group called Peggy's Angels, that's disgusting."

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[36] Turtleboy Live, *Ep 655 – Karen Read Case: Witness List and Jury Selection*, YOUTUBE (Apr. 17, 2024), https://www.youtube.com/watch?v=fZsT5Mxm75I.

[37] *See supra*, n.33.

90. Kearney went on to say that McCabe is "sick and sadistic and twisted" and that he has "nothing but hatred to her as I should because I'm normal. I'm a rational person. Any rational person hates Jennifer McCabe [and] is disgusted by her because Jennifer McCabe is a pig. She's a pig. She's a cop killing pig." He proceeded to mock the CourtTV host again saying, "she supports a cop killing pig like Jennifer McCabe, who googled how long to die in cold."

91. During her first criminal trial in 2024, Read had documentary film maker Terry Dunn Meurer record her preparation for trial, including interviews with Read, her attorneys, her family, and recordings of conversations between and among Read and her counsel. During these interviews, Read personally, and her counsel on her behalf, defamed the Plaintiffs.

92. On April 12, 2024, Jackson verified to Meurer and her production assistants the statements Read gave to police when she was arrested in June 2022, that "Brian Albert, Colin Albert beat up John. My taillight was cracked when John was pulverized." Read was present during Jackson's recorded statement and did not deny that she said those things.

93. On or about April 30, 2024, Read gave a series of personal interviews to Ms. Meurer in connection with the documentary that Meurer was filming. During that interview, Read falsely stated, "Jen McCabe got herself into, into a bad mess that night and she helped clean it up. I don't think Jen laid a finger on John, but Jen knew John was dying and she helped expedite it. So, ***she's a first-degree murderer and she knows she is***. But, it was probably accidental when he became severely injured and they [referring to the other Plaintiffs] just finished him off."

94. During that same interview, Read falsely stated, referring to (among others) the Plaintiffs, "They're being federally investigated and they know it. ***They know they killed John***."

95. During that same interview, Read was asked what she thought of Kearney's tactics that had resulted in criminal charges against him for witness intimidation. Read responded, in part,

by referring to the Plaintiffs and falsely stating, "It's impossible for me to have any sympathy for any of these witnesses. ***They're murderers***. . . . and they know it."

96. On June 15, 2024, Read gave a recorded statement to Meurer and her team that Brian Higgins, Brian Albert and Colin Albert had a motive to kill O'Keefe, but she was not sure of the circumstances in which they did kill him. She said, "[W]hat I think may have happened, if, if the Higgins' motive is the motive for what happened to John, or if it's combined Higgins and, and Colin Albert, who I think is the biggest hothead of the whole group, um, I think Higgins could've shared with Brian Albert what happened between Higgins and me, and Brian Albert used that as a, as another reason not to like John O'Keefe. So, Brian Albert has his friend, Brian Higgins, and his beloved nephew, Colin Albert, coming to him saying, 'J-John O'Keefe's a pain in my ass.' Um, there's enough motive to go around. I know that Brian Albert did not care for John on his own. I know that Colin Albert had issues that I witnessed with John. . . . Um, so . . . . it could have been as simple as everyone was drunk and John got mouthy with Colin and you know, caught an uppercut and just, it escalated from there."

97. On June 22, 2024, Read stated in an interview with Meurer that "I know Brian Higgins had a role in helping kill him, help him get him in the snow and help frame me but I, I don't think Higgins . . . necessarily would have wanted to really hurt John. I think Brian Albert and Colin Albert would have enjoyed roughing John up."

98. Further, during the interview, Meurer asked Read: "You make such strong statements about I think Colin Albert killed him? I don't know how, without getting sued, because I don't even know if we're gonna, I hope we're gonna be able to use some of that because, its public record what you said." Read responded: "[I]f Colin can prove that I'm lying, and this is, uh defamatory, he can sue me. . . ."

99. Read made these false statements about Jennifer McCabe, Colin Albert, Brian Albert, and Brian Higgins's involvement in the death of O'Keefe even though she knew that she was responsible for O'Keefe's death when she struck O'Keefe with her car while backing up at a high rate of speed just after 12:30 am on January 29, 2022—a fact she admitted several times on January 29, 2022. Read also knew that Jennifer McCabe, Colin Albert, Brian Albert, and Brian Higgins had nothing to do with O'Keefe's death. Knowing that her statements were likely to be disseminated to a mass audience, Read defamed the Plaintiffs in this manner in order to discredit them and deflect responsibility from herself.

100. On May 17, 2024, following the first day of McCabe's trial testimony, Kearney posted to X that McCabe was a "psychopath" and that she "knew EXACTLY where [O'Keefe] was – dying in the cold on Brian Albert's front lawn. She plotted to put him there."[38]

101. On May 21, 2024, Kearney published Part 354 of his "Canton Coverup" series in which he summarized the testimony of the Plaintiffs and claimed that the Plaintiffs "lie[d] their way through" their testimony.[39] He claimed that "[t]hey all have nearly identical, well-rehearsed stories," which "isn't surprising because they've had two years to make sure they have them straight and their lives depend on the consistency." He also explained that "all of the [Plaintiffs] were caught in lies at some point during their testimony[.]"

102. On June 7, 2024, Kearney joined "The Morning Club" YouTube channel to discuss the Read trial.[40] After being praised for "literally creat[ing] all of" the fanfare surrounding Read's

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[38] Aidan Kearney (@DoctorTurtleboy), X (May 17, 2024, 2:16PM), https://x.com/doctorturtleboy/status/1791533299371798946?s=43.

[39] Aidan Kearney, *Canton Cover-Up Part 354: McAlberts Lie Their Way Through Week 3 Testimony In Karen Read Trial*, TB DAILY NEWS (May 21, 2024), https://tbdailynews.com/2024/05/21/canton-coverup-part-354-mcalberts-lie-their-way-through-week-3-testimony-in-karen-read-trial/.

[40] The Alternate Corner, *Morning Club & Aidan Kearney, Doctor Turtleboy*, YOUTUBE (June 7, 2024), https://youtu.be/BznamhFd7k4.

trial, Kearney touted that people believed, in response to Kearney's coverage of the case, that the Plaintiffs engaged in "a legitimate coverup and, and a framing of an innocent woman in order to protect some of the most unlikable people ever. Like, it's not like they're trying to cover up and protect likable nice people. Like they are protecting Jennifer McCabe, who nobody likes. She's . . . like a Disney villain. She's so bad. And like you're protecting her of all people?"

103. On June 22, 2024, Kearney hosted his Weekend Live Show as Read's defense team began presenting their case.[41] During the show, Kearney directed comments towards a member of the Albert family and said, "Your family murdered a cop. A human being and then they covered it up. Then they blamed an innocent woman. This is not an opinion. It is a fact. It is an undeniable fact. . . . The bigger injustice . . . is that John O'Keefe was murdered by the McAlberts[42] and left outside to die."

104. In March 2025, HBO released a five-part docuseries covering Karen Read's first trial in depth, which featured interviews with Read, Jackson, and Yannetti filmed during Read's first trial. Episode Two features the relationship that developed between Read and Kearney before and during trial. Yannetti admitted that they wanted media coverage of her case. Initially, there was no coverage, but, according to Yannetti, "the Karen Read case really started to blow up when Turtleboy started shining a light on Karen's innocence." Yannetti did not disclose that it was Read and her team who recruited Kearney to disseminate Read's false statements.

105. Read admitted that her lawyers said that she could provide information to Kearney, so long as it was public, but advised her not to speak with him directly. Nevertheless, she said she

[41] Turtleboy Live, *Ep673 – Karen Read Trial: Lucky Loughran, Medical Examiner, Dr. Russell, Rick Green*, YOUTUBE (June 22, 2024), https://www.youtube.com/watch?v=F7q-OmwG2Ew&list=PLuKu6r4EYPRXKvtQHPemwnQSGHU4W7K2K&index=216.

[42] "McAlberts" became shorthand for the McCabe and Albert families to Kearney and his followers.

"got nervous about who [she] was using as a third-party" so she ended up developing a direct relationship with Kearney herself. They "started talking about the case probably once a day, five – six days a week." Read, however, failed to disclose to HBO that her attorneys, on her behalf, were directly communicating with Kearney at the outset of the defamation scheme.

106. In the same HBO series, one of Kearney's followers admitted that Kearney had spurred them to take public action. Another admitted that "Turtleboy [was] the reason there were people outside the courthouse every single day." The documentary features footage of Kearney conceding that his purpose in canvassing the communities and creating a daily courthouse presence was to affect the jury pool. Kearney's followers were so incendiary that the judge created a 200-foot buffer zone around the courthouse and ordered that no one carry any signs or wear clothing with the intent to influence what was happening inside during the trial. Nevertheless, Kearney's followers, who were steeped in his lies about the Plaintiffs, showed up every day chanting, "FREE KAREN READ," and wearing pink as a symbol of their support.

E. The Runup to Read's Retrial

107. On July 1, 2024, a mistrial was declared in Read's first trial after eight jurors decided that Read was guilty of manslaughter, but four jurors disagreed. Following the deadlock, the Commonwealth announced its intention to retry the case. Kearney and Read persisted in their defamation campaign against the Plaintiffs.

108. For example, on July 22, 2024, Kearney hosted a live show from outside the courtroom during a pre-trial hearing.[43] The video, which is set outside the courthouse, depicts Kearney confronting a police officer who is directing Kearney away from an individual whom the

[43] Turtleboy Live, *Karen Read Hearing: Live Outside of Court – Part 1 – 7.22.24*, YOUTUBE (July 22, 2024), https://www.youtube.com/watch?v=ms9DBMaeq9I&list=PLuKu6r4EYPRXKvtQHPemwnQSGHU4W7K2K&index=230.

Court had restrained Kearney from contacting. Kearney proceeded to harass other supporters of the O'Keefe family outside the courthouse by saying, "[T]hey're just supporting cop killers. They're supporting the cop killing McAlberts that's what they're here to do. These are the cop killing McAlberts. . . . These are the people supporting the cop killers who murdered John O'Keefe in cold blood. They murdered him. They murdered John O'Keefe in cold blood." He asked the bystanders, "Are you proud to support cop killers like the McAlberts?" He continued, "I didn't kill someone like Jen McCabe, Brian Albert and they all did. I didn't kill anyone but they did. Yes they did. Yes they did. They murdered him. They murdered John O'Keefe in cold blood."

109. On July 29, 2024, Kearney published Part 382 of his "Canton Coverup" series.[44] In this post, Kearney explained, "I've been fighting for justice for John for the last 15 months. I sacrificed my freedom for that. But because [the O'Keefe family] can't get over their hatred for Karen Read and they have too much pride to admit that they've been conned by John's killers, they want me to rot in prison." Kearney also explained that the reason he faced witness intimidation charges was "because I am standing up for justice for [John], and because I have questioned the people who the evidence shows murdered John."

110. On August 17, 2024, Kearney hosted his Weekend Live Show on YouTube.[45] In his show, Kearney discussed a documentary about Scott Peterson's involvement in Lacy Peterson's murder in 2002. Kearney stated, "That's how I view the McAlberts. The same way

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[44] Aidan Kearney, *Canton Coverup Part 382: Paul O'Keefe Threatens To Take Down Award Winning Journalist, Punish Small Children, Donate To TB Legal Defense Fund, Reveals Perjured Testimony In Court*, TB DAILY NEWS (July 29, 2024), https://tbdailynews.com/2024/07/29/canton-coverup-part-382-paul-okeefe-threatens-to-take-down-award-winning-journalist-punish-small-children-donate-to-tb-legal-defense-fund-reveals-perjured-testimony-in-court/.

[45] Turtleboy Live, *Karen Read Case: Grant Smith-Ellis Police Reports | John DePetro Reacts to Karen Read Dinner*, YOUTUBE (Aug. 17, 2024), https://www.youtube.com/watch?v=w4RT9n4e7qs&list=PLuKu6r4EYPRXKvtQHPemwnQSGHU4W7K2K&index=240.

those reporters view Scott Peterson I view the McAlberts. I didn't view the McAlberts as witnesses. I view them as murderers because they are. Like, they're f*cking murderers. They put this in my charging document so let me say it again in case I wasn't clear the first 1,000 times [that] I've said this. ***[T]he McAlberts murdered John O'Keefe. They did . . . the McAlberts murdered John O'Keefe because it wasn't Karen Read***."

111. On September 14, 2024, Kearney hosted his Weekend Live Show.[46] Kearney stated, "Think of how much that cost the Commonwealth. All to protect Jennifer McCabe. All to protect her. A murderer. Let me be very clear about this in case I haven't a million f*cking times. ***Jennifer McCabe is a murderer***. Like full stop. That's it. She's a murderer. She did it. She actively participated in the murder of John O'Keefe. I can't stress that enough. I'm begging them to sue me if it's not true. They haven't done it yet. She actively participated in the murder of John O'Keefe."

112. On October 18, 2024, Read publicly acknowledged for the first time her longstanding relationship with Kearney. In an interview given to Dateline NBC, Read admitted to speaking with Kearney on the phone "almost every day, for like 20 minutes."[47]

113. On November 4, 2024, Kearney posed on his official X account a photo of Brian Albert and stated: "Brian Albert went out for lunch today at the Longwood Galleria in Boston. It didn't go the way he hoped. I'd share my thoughts on this, but when I did that with Chris Albert I was indicted for witness intimidation. So[,] for now[,] I'll just say that even if they get away with

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[46] Turtleboy Live, *Ep694 – MSP: Suspicious Death of Enrique Delgado-Garcia | Key Cycles | More "Witness Intimidation"*, YOUTUBE (Sept. 14, 2024), https://www.youtube.com/watch?v=nRjUDHm1jvo&list=PLuKu6r4EYPRXKvtQHPemwnQSGHU4W7K2K&index=255

[47] Abby Patkin, *Highlights from Karen Read's 'Dateline' special, from a 'coy' tipster to calls with Turtleboy*, BOSTON.COM (Oct. 21, 2024), https://www.boston.com/news/crime/2024/10/21/karen-read-dateline-special-highlights-tipster-turtleboy/.

what they did to John O'Keefe this is gonna be their life moving forward. Should've come out of the house."[48]

114. On January 20, 2025, Kearney published part 466 of his "Canton Coverup" series.[49] In response to a claim by one of McCabe's friends that she was harassed by a "Turtle Rider" (the name for Kearney's followers) in public, Kearney stated, "[t]he fact that Jennifer McCabe has to cover her face in public like this because everywhere she goes people immediately see her face and recognize her as a cop killer, is a great thing."

115. On April 24, 2025, ABC released an episode of IMPACT x Nightline in anticipation of Read's retrial, which featured interviews with Read and Jackson. In it, Read's attorney, Jackson, stated, referring to the Plaintiffs, "There are people in that house that are actually responsible for his death, and who murdered him. And there are others in the house who are covering up that murder."[50] Jackson also specifically refers to McCabe as being involved in a coverup: "Something was going on with John laying in that snow, in that front yard. That means that this was a coverup. John was murdered inside that house, his body was placed outside, and Jennifer McCabe knows that."

F. The Retrial & Acquittal of Karen Read

116. On April 1, 2025, the second trial of Karen Read began with jury selection.

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[48] Aidan Kearney (@DoctorTurtleboy), X (Nov. 4, 2024, 2:00pm), https://x.com/DoctorTurtleboy/status/1853512555471454291.

[49] Aidan Kearney, *Canton Coverup Part 466: Hank Brennan's Friend Kerry Lama Caught Spying On FKR Supporters With Jennifer McCabe At Taunton Standout*, TB DAILY NEWS (Jan. 20, 2025), https://tbdailynews.com/2025/01/20/canton-coverup-part-466-hank-brennans-friend-kerry-lama-caught-spying-on-fkr-supporters-with-jennifer-mccabe-at-taunton-standout/.

[50] *Secrets in the Snow: The Murder Retrial of Karen Read*, HULU https://www.hulu.com/series/impact-x-nightline-secrets-in-the-snow-the-murder-retrial-of-karen-read-63df15e8-ab47-49d7-97c5-7bffdffd1929 (last visited Apr. 11, 2026).

117. As part of that trial, the Commonwealth subpoenaed Kearney to provide testimony. On April 16, 2025, Kearney, through his counsel, informed the trial court that, if the Commonwealth called him as a witness, Kearney would invoke his Fifth Amendment privilege against self-incrimination. In support of that assertion, Kearney's counsel asked the Court to take judicial notice of the "16 indictments against [Kearney]." Kearney was present in the courtroom when his counsel invoked the Fifth Amendment on his behalf. In contrast, the Plaintiffs each testified under oath several times, including during the first trial of Karen Read. The Plaintiffs never invoked their Fifth Amendment privilege against self-incrimination in connection with any testimony or statement to law enforcement.

118. On April 23, 2025, O'Keefe's mother testified. Kearney reacted on a Weekday Live Show by stating, "[S]he's on the side of evil."[51] He argued that O'Keefe's mother is, "proudly friends with the people who quite obviously killed her son. Like, if that were my mother and I was killed, my mother would be looking for answers. . . . And she wouldn't be like, yeah, I'm just gonna be easily manipulated. I mean, Jen McCabe is a master manipulator . . . She's real good at fooling stupid people. And she's very lucky that the guy she helped kill John O'Keefe was surrounded by a lot of stupid people. Like, there's a lot of stupid people in John's life."

119. On April 25, 2025, Kearney took to X in response to a post claiming that the Free Karen Read movement should be ashamed of the way they treated O'Keefe's mother. Kearney replied, "Your friends murdered this woman's son. Every pain she's feeling right now is a direct result of the McAlberts and Brian Higgins murdering John O'Keefe. You proudly call these people

[51] Turtleboy Live, *Ep755 - Karen Read Retrial Day 1&2: Timothy Nuttall | Kerry Roberts*, YOUTUBE (Apr. 23, 2025), https://www.youtube.com/watch?v=0hb4ACAwh7E.

friends. Nothing you say or think matters. At all."[52] Despite quite literally engaging in divisive language, Kearney later posted on X, "The idea that the Canton community is divided is a lie the media spreads to make it sound like there are two equal competing sides to the Karen Read case. There is no divide. There is the vast majority who knows the McAlberts murdered John Okeefe [sic]."[53]

120. Read herself also published more defamatory statements regarding the Plaintiffs during her retrial. On May 1, 2025, following McCabe's testimony, Read spoke to reporters outside the courthouse about McCabe claiming, "[A]nother witness, ***another instance of perjury, or instances, I'd say***."[54] Referring to McCabe, Read then said, "[S]he is lying."

121. Then, on May 8, 2025, Kearney went live outside of the courthouse wearing a t-shirt with a still of McCabe on the stand.[55] He explained that he was "walking the periphery of the buffer zone" and hoped "to not be in violation with the shirt on." He went around speaking to protestors outside the courthouse, with people coming from as far as California and Georgia. People stopped to take pictures with him, and people handed him money to which he responded, "People just give me cash. It's nice."

122. Read knew that her statements regarding McCabe and others, like the same type of statements that she fed to Kearney, were untrue and were intended to deflect from her own culpability. During the retrial, the prosecution presented footage of an interview with Read and

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[52] Aidan Kearney (@DoctorTurtleboy), X (Apr. 23, 2025, 2:15PM), https://x.com/DoctorTurtleboy/status/1915107163019866323.

[53] Aidan Kearney (@DoctorTurtleboy), X (Apr. 25, 2025, 7:56PM), https://x.com/DoctorTurtleboy/status/1915917898549190776.

[54] Boston 25 News, *'Another instance of perjury': Karen Read says Jennifer McCabe is lying on the witness stand*, YOUTUBE (May 1, 2025), https://www.youtube.com/watch?v=wfQNP2RsyT0.

[55] Turtleboy Live, *Karen Read Retrial Day 12 - Live Outside of Court*, YOUTUBE (May 8, 2025), https://www.youtube.com/watch?v=a1NsX4fn_dY.

Yannetti. During the interview, Read acknowledged that she previously expressed concern to Yannetti that she was responsible for O'Keefe's death: "And then when I hired David Yannetti, I asked him those questions. The night of January 29th, like David, what if, I don't know, ***what if I ran his foot over or, or what if I clipped him*** in the knee and he passed out and, or went to care for himself and he threw up or passed out and ***David said, then yeah you have some element of culpability***."[56]

123. Moreover, during the Commonwealth's closing argument, the Commonwealth showed a clip from an interview with Read in the HBO documentary. With a smirk on her face, Read explains, "[t]he closest I must have said was did I hit him? I know I said I hit him, but did I really say it as many times as law enforcement is claiming I said it?"[57]

124. On June 4, 2025, Kearney posted a video recapping day 27 of the Read retrial.[58] In response to the testimony of Brian "Lucky" Loughran, a plow-driver who testified on the Defense's behalf,[59] Kearney said, "I run Canton. I'm the mayor of Canton. . . . I'm the most powerful person in Canton. Lucky, you don't have to worry about them anymore. The big wolf is dead. I slayed them. [The McCabes and Alberts] are nothing." Referencing the McCabes and the Alberts, he continued, "They're pissing their pants every single day counting down the days of their freedom. Like Jennifer McCabe is every day. She's a free woman. She's grateful for her

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[56] Boston 25 News, *Karen Read: Prosecution rests case in murder retrial after 23 days of testimony. What's next?*, YOUTUBE (May 29, 2025), https://www.youtube.com/watch?v=kax1pvYD3ss&list=PL-6130lc1Zno-ZE6mMpVKrgNGy3YvJ0dA&index=108.

[57] *Karen Read Murder Retrial: Commonwealth Closing Argument*, COURT TV (June 13, 2025), https://www.youtube.com/watch?v=Ie-uDRG92cQ.

[58] Turtleboy Live, *Ep774 - Karen Read Retrial Day 27: Turtleboy did not Intimidate Lucky Loughran*, YOUTUBE (June 4, 2025), https://www.youtube.com/watch?v=z9erIqeBapc.

[59] It should also be noted that Kearney claims credit for identifying Brian Loughran as a potential defense witness in the case. To NBC 10 WJAR, he explained that he identified "Lucky Loughran, who [was] a major witness for the defense in this case" and he "interviewed him before the State Police did." NBC 10 WJAR, *Blogger Turtleboy speaks out after Karen Read trial verdict*, YOUTUBE (June 18, 2025), https://www.youtube.com/watch?v=MkeQ24vP_NY.

freedom because she knows that she's going to spend a significant amount of time in federal prison and it's going to be glorious when that happens."

G. Defendants' Defamation Campaign Continues After Trial Concludes

125. On June 18, 2025, immediately following the conclusion of the retrial, Kearney was interviewed by NBC 10 in Boston.[60] During the interview, he said, "[T]he people who murdered John O'Keefe are out there. They're the McCabes and the Alberts and John O'Keefe went into their home and never came out of it alive, and they threw him on the lawn like trash."

126. When asked if he felt responsible for the verdict, Kearney explained that he was responsible for "the social media aspect of it."[61] He also explained that he'd "like to think that some of the evidence that was presented to [the jury] in court was a result of [his] journalism and [his] influence and [his] activism online." He also applauded himself for conducting standouts, "put[ting] up billboards all over Norfolk County for Free Karen Read," and making it impossible for people not to know about the case. Kearney was also asked, "[W]ho killed John O'Keefe," to which he responded, "[T]he people inside Brian Albert's house, dude, I don't know who exactly delivered the fatal blow, but Brian Albert was in there. Colin Albert was in there. Brian Higgins was in there and the dog was in there. And quite frankly, every single person inside that house who has remained silent is just as guilty as the people who delivered the fatal blows to John. They did it."

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[60] NBC10 Boston, *Blogger 'Turtleboy' reacts to verdict in Karen Read trial: Live interview*, YOUTUBE (June 18, 2025), https://www.youtube.com/watch?v=SXpSC_i0qQg.

[61] NBC 10 WJAR, *Blogger Turtleboy speaks out after Karen Read trial verdict*, YOUTUBE (June 18, 2025), https://www.youtube.com/watch?v=MkeQ24vP_NY.

127. On June 19, 2025, Kearney posted a live YouTube video discussing the retrial.[62] Within the first ten seconds of Kearney being on camera, he remarked that there were already over 10,000 people streaming the video. He hustled the listeners to subscribe to his page, and, within the first five minutes, he had surpassed 143,000 subscribers to his YouTube channel. 35 minutes into the program, Kearney explained that over 20,000 people were watching the livestream, and that it was the "biggest show we've ever had." He explained that if they had a message that they wanted him to read aloud to everyone, they could donate to him using the link attached to the chat, and they "could pay whatever amount of money [they] want and [they] could write a message." For example, an individual by the name of Oksana sent him $150 to say, "You did it Aidan, you did it. You stared down an entire system, built on lies and corruption and intimidation and you never blinked . . . Karen Read walks free." An individual named Allison sent him $10 to say, "I can't imagine the pride and emotion you felt . . . seeing all your hard work come to fruition."

128. During the same program, Kearney admitted that when the jurors came in after deliberating but before announcing the verdict, two of the jurors looked to him and smiled at him. Kearney also admitted that he was invited to the celebration dinner with Read and her defense team after the verdict. At the dinner, Kearney and Read posed for the picture below, mocking Colin Albert. Kearney then posted the photograph on X. He acknowledged that he and Read had spoken about recreating the picture with the same caption over two years prior.

[62] Turtleboy Live, *Ep782 - Karen Read: Not Guilty, Not Guilty, Not Guilty | The Verdict | Jurors Start to Speak Out*, YOUTUBE (June 19, 2025), https://www.youtube.com/watch?v=7Tk3v38apo4.



129. On November 2, 2025, Kearney hosted his Weekend Live Show in which he reacted to a podcast that he had previously appeared on speaking about the Read case. In the podcast, Kearney admitted that he "protected Karen Read" and that he lied "to Boston Magazine" about their relationship. He explained that Read's team did not "want to be publicly associated with him"—"they wanted [him] to [do] the work of getting the story out there . . . about what the McAlberts have done." He admitted that he understood it would be dangerous if her team were publicly tied to him, but that privately "they praised [him]" and "they fully supported [him]."[63] In the same video, Kearney also admitted that he approached McCabe in the past to ask her questions ***at the direct request*** of Read, Jackson, and Yannetti.

130. On January 12, 2026, Read participated in her first podcast interview since her criminal trial ended with Rotten Mango.[64] When asked, "[W]hat do you think happened to John O'Keefe?," Read responded that he "entered the house at 34 Fairview and much sooner than later

[63] Turtleboy Live, *Ep822 – Sean Good on Leave? | Canton Connections | Drama*, YOUTUBE (Nov. 2, 2025), https://www.youtube.com/watch?v=Ul1Ap62azAU&rco=1.

[64] *Episode 483: Karen Read's First Exclusive Interview After MURDER ACQUITTAL – What REALLY Happened At 34 Fairview*, ROTTEN MANGO (Jan. 12, 2026), https://www.rottenmangopodcast.com/allepisodes/azzlktkme97rwnr-ljfja-yemel-myw9k-8egyy-fl4cr-dp9er-j8r56-8kz25-argpa-b69p4-2nnhd-lnp54-trlee-bb4ma-ph63k-47828-xk9en-tlktj-tmdw2-g5ckl-datge-bz4hs-j6jhs-2gcsm-dxht2-83k7e?rq=karen%20read.

met his demise." She bluntly concluded that "someone in that house killed John O'Keefe," referring to the Plaintiffs.

131. On April 16, 2026, the Plaintiffs filed this lawsuit.

132. Shortly after being served with the Complaint, Kearney re-posted defamatory material concerning the Plaintiffs that he had previously published. For example, on April 20, 2026, Kearney re-posted a third party post that shared Kearney's "Canton Coverup" blog from April 20, 2023, wherein Kearney falsely stated that "the men" inside of 34 Fairview on January 29, 2022 "were involved in the actual killing of John O'Keefe" and that McCabe "stood by their side," and "helped them cover up the crime."[65]

133. On May 9, 2026, Kearney posted a live YouTube video encouraging his followers to attend and protest a fundraiser hosted by a supporter of the Plaintiffs, and stating that the fundraiser was being held for "the people that framed Karen Read for murder," and that, referring to (among others) the Plaintiffs, "they killed John O'Keefe." Kearney continued, "the trolls are like 'Oh my God, he's doubling down saying and saying that.' Of course I'm doubling down. You think I'm going to stop saying that these people killed John O'Keefe because they sued me? . . . Why would I stop saying that? I believe it. I know it to be true."[66]

134. On May 17, 2026, Kearney posted a live YouTube video fundraising for his defense fees in the instant action where he hosted, among others, Yannetti. During the video, Yannetti admitted for the first time (despite multiple public comments to the contrary) that he had maintained direct contact with Kearney regarding Read and her criminal case since at least April

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[65] Aidan Kearney (@DoctorTurtleboy), X (Apr. 20, 2026, 9:23AM), https://x.com/KyleSharkey8/status/2046218256311079161.

[66] Turtleboy Live, *Impromptu – 2022 Footage of me Talking About Karen Read Discovered*, YOUTUBE (May 9, 2026), https://www.youtube.com/watch?v=mGJtohHM41Q.

2023. Yannetti admitted that the reason he needed to involve Kearney at that time was because he had previously contacted other media reporters who told Yannetti that "this case is done. You couldn't get anybody to touch this case with a ten-foot pole." Yannetti later urged Kearney's followers to "donate to [Kearney's] cause."[67]

135. In the same fundraising video, Kearney stated that Read was "framed for murder" and that O'Keefe was "killed inside [34 Fairview] by . . . some sort of combination of [Brian Albert], Brian Higgins, the dog, and Colin Albert. That's what I believe. . . . And I believe that Jennifer McCabe played a pretty big part in covering up that murder and murdering [Officer O'Keefe] as well."

136. On May 24, 2026, Kearney published a video on the platforms he controls in which he falsely stated, "Brian Albert was involved in a murder. Let me very clear about that, Christopher Mattei, because I know you're going to watch this and clip this, motherf*cker. Your boys? Your clients? They're suing me. They were involved in covering up a murder. . . . You signed up to defend cop killers. . . . When I went to the Billerica lacrosse game in June of 2023 and I called them a cop killer, I was right. And, I'm still right today. And, your f*cking joke, cause that's what it is, a joke of a lawsuit doesn't f*ckin' scare me. You don't scare me. None of you motherf*ckers scare me. I have an army of people behind me who want the truth. And they know that I am the vessel to the truth."[68]

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[67] Turtleboy Live, *Turtleboy Legal Defense Mega-Fundraiser*, YOUTUBE (May 17, 2026), https://www.youtube.com/watch?v=IsPg4ohu1xE.

[68] Turtleboy Live, *Ep879 – Lucky Interview with Proctor and Bukkake | Scanlon Recording | Karen Read Case FOIA Dump*, YOUTUBE (May 24, 2026), https://www.youtube.com/watch?v=hATMPl2qDK4.

137. On May 26, 2026, Kearney published a video on the platforms he controls.[69] During the video, Kearney recounted a conversation that he had with the attorney representing him in this lawsuit, Jeffrey Pyle. Kearney stated, "Today, we had our first day in Court. I didn't go because you don't have to go to these civil ones. But, the McAlberts did. Didn't see that one coming. It was my lawyer's first. And it was not streamed. There must be a video out there somewhere of it. But, the McAlberts all showed up. And, [Attorney Pyle] was like, you know, it was his first time seeing them. He's like, 'they look like the mafia how they rolled in there. Like thugs.' Like, it's like, way to prove the point, j*ckasses."

138. During that same video, Kearney stated that Plaintiffs' counsel had advised Attorney Pyle that Kearney was continuing to make defamatory statements about the Plaintiffs even after the filing of this lawsuit. As he displayed a photo that included the Plaintiffs, Kearney, referring to the death of O'Keefe, stated, "That's the crew that did it. Like, do they think, 'Ah, we're going to sue him.' That's what Tuxbury told my lawyer today. He's like, 'your client's still talking about this. We might have to amend our complaint.' Oh, oh, oh, oh, no. Don't amend the complaint. It's the same sh*t I've always said. They did it. Of course, they did it."

139. On May 27, 2026, Kearney published a video on the platforms he controls. During the video, Kearney made statements concerning the Plaintiffs who had appeared in Court in connection with this lawsuit the preceding day. Kearney stated, "When you see these motherf*ckers in Court, doesn't it just make your blood boil? [S]eeing these motherf*ckers in court? And, think of what me and Karen Read did exposing these assholes together. You know, when I go back and I read all our messages, it's like she couldn't have done sh*t without me and

[69] Turtleboy Live, *Ep880 – McAlberts Show Up for Court | Communications in Context | Randall Hits the Big Time*, YOUTUBE (May 26, 2026), https://www.youtube.com/watch?v=_1MtAQpfXn0.

I was a lot stronger with her, you know. And these motherf*ckers right here are so mad about that. They are so mad that we exposed who the f*ck they are and what they did and what they've done, and what they continue to do. We exposed that. And, I look at this and I'm like f*ck the money, like, it's about these people. It's about Chris Albert doesn't get to f*cking win. And Brian Higgins and Brian Albert and Colin Albert and f*cking Jen McCabe, they don't get to fucking win."

140. On May 28, 2026, Kearney published a video on the platforms he controls.[70] During the video, Kearney made statements concerning the Plaintiffs who had appeared in Court in connection with this lawsuit earlier that week. During the video, Kearney criticized his audience members who had not attended the court proceeding to confront the Plaintiffs. Referring to the Plaintiffs, Kearney stated, "There's the people that killed them. They're right, they're right fucking there walking around like nothing happened. What are you going to do about it, huh? You gonna ask them anything? You gonna talk to them? What are you gonna do? I can't do anything. I'll go to jail if I say something. You could, but you choose not to. Why? Cause you're cowards at the end of the day. You're just in this for the, you're in this for the tailgating. You're not in this for being uncomfortable, or making, you know, people who committed horrific crimes uncomfortable."

141. On May 30, 2026, Kearney published a video on the platforms he controls.[71] In that video, recognizing that disseminating further statements accusing the Plaintiffs of involvement in the death of O'Keefe would subject him to civil liability, he encouraged his followers to use coded language to spread that message. Kearney stated, "[W]hat if we came up with some phrase . . . that

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[70] Turtleboy Live, *Bus Stop Live 5.28.26 – Timcast | Help | Reacting to Melanie Little Reacting*, YOUTUBE (May 28, 2026), https://www.youtube.com/watch?v=-1QicZbzp6A&t=1s.

[71] Turtleboy Live, *Do NOT Watch This Show | The Fallout Since Being Canceled on Timcast*, YouTube (May 30, 2026), https://www.youtube.com/watch?v=mV829Op6ViI&t=20s.

was code for, 'The McAlberts killed John O'Keefe.'" Kearney then conceived coded language to further his false statements that the Plaintiffs were involved in the death of O'Keefe, and his followers did the same at Kearney's encouragement.

H. The Impact of Kearney and Read's Conspiracy

142. Every day since April 18, 2023, when the defamation campaign began, the Plaintiffs and their families have been harassed and tormented as a result of Kearney's and Read's unlawful conspiracy to defame them. The Plaintiffs have become prisoners in their own communities, besieged by Kearney and others who have been duped by Kearney and Read to believe that the Plaintiffs are murderers.

143. Defendants have deliberately employed these false narratives about O'Keefe's murder and the Plaintiffs' families as part of a marketing scheme that has brought Kearney substantial personal income. Kearney has an audience of hundreds of thousands of followers. He has purposely published statements by other people who falsely assert that the Plaintiffs are responsible.

144. As a result of Defendants' campaign, the Plaintiffs have been forced to endure malicious and cruel abuse at the hands of ruthless and unscrupulous people. On a regular basis, the Plaintiffs have faced physical confrontation and harassment at their personal residences, their places of business, and their children's extracurricular activities. The Plaintiffs have also sustained a barrage of harassment and verbal assaults on social media. Throughout Read's trials, Kearney and his followers harassed the Plaintiffs as they reported to court to serve as witnesses. The harassment was so extreme that the judge ordered a buffer zone around the courthouse to protect those inside. Kearney and his followers chanted, "COP KILLERS," as the Plaintiffs walked by and shouted, "FREE KAREN READ" all day.

145. The Plaintiffs have had to undertake efforts to protect themselves and their identities. Their families' places of business have been targeted. And Kearney has stalked them at their children's extracurricular activities, causing fear and emotional trauma to the Plaintiffs and their families. Kearney admitted publicly that one of the goals of his false, outrageous, and defamatory statements about the Plaintiffs was not only to portray the Plaintiffs as those responsible for O'Keefe's murder, but also to taint the jury pool for Read's trial and to benefit financially from the publicity.

V. CAUSES OF ACTION

COUNT ONE
(DEFAMATION AND DEFAMATION *PER SE*)
As to Defendant Read

146. The paragraphs above are incorporated and realleged as if fully set forth herein.

147. In repeatedly publishing false statements asserting or reasonably understood to be asserting that the Plaintiffs were responsible for the murder of O'Keefe, and a coverup of their purported role in that murder, Read published numerous defamatory statements both directly and through her accomplice, Kearney.

148. Read's statements were false. The Plaintiffs did not murder John O'Keefe, did not participate in any conspiracy to murder O'Keefe, did not engage in any coverup of O'Keefe's death, and did not frame Read for murder. Read knew her statements were false because she was present when O'Keefe was struck by her vehicle, made multiple admissions to first responders that she hit O'Keefe, and acknowledged to her own attorney that she may have had "some element of culpability" in O'Keefe's death.

149. These publications were not only individually defamatory, but also part of a continuous course of conduct, starting in 2023 and continuing through today, stating, asserting, implying and suggesting that the Plaintiffs were responsible for the murder of O'Keefe and

engaged in a coverup by, in part, framing Read for O'Keefe's death.

150. The statements contained in Read's campaign of harassment and abuse constitute defamation *per se*. The harmful nature of the defamatory statements is self-evident. The defamatory statements implicate the Plaintiffs in heinous criminal conduct. False implications of criminal conduct constitute classic defamation *per se*.

151. Read's statements were of and concerning each of the Plaintiffs. She repeatedly identified Plaintiffs by name, and her audience understood the defamatory statements to refer specifically to the Plaintiffs. The defamatory statements were published to third parties, including Kearney's hundreds of thousands of followers, across multiple social media platforms, blog readers, podcast listeners, and television viewers.

152. Read's defamatory statements have injured the Plaintiffs' reputations and images, and have exposed the Plaintiffs to public and private hatred, contempt, and ridicule. These false publications have caused the Plaintiffs to sustain actual and substantial damages.

153. Read published her outrageous, cruel, and malicious lies about the Plaintiffs negligently, with knowledge that the statements were false, or with reckless disregard as to whether or not they were true.

154. These acts of Defendant Read resulted in damage to the Plaintiffs.

COUNT TWO
(DEFAMATION AND DEFAMATION *PER SE*)
As to Defendant Kearney

155. Paragraphs 1-116 above are incorporated and realleged as if fully set forth herein.

156. In repeatedly publishing false statements asserting or reasonably understood to be asserting that the Plaintiffs were responsible for the murder of O'Keefe, and a coverup of their purported role in that murder, Kearney published numerous defamatory statements.

157. Kearney's statements were false. The Plaintiffs did not murder John O'Keefe, did

not participate in any conspiracy to murder O'Keefe, did not engage in any coverup of O'Keefe's death, and did not frame Read for murder. Kearney knew or had reason to know his statements were false because: (a) he received his information exclusively from Read and her legal team, who were motivated to deflect blame from Read; (b) he made no independent journalistic effort to verify the accuracy of the murder accusations before publishing them; (c) he repeatedly ignored or dismissed evidence contradicting his narrative; and (d) he admitted that he "protected Karen Read" and lied about their relationship to conceal the source of his information.

158. These publications were not only individually defamatory, but also part of a continuous course of conduct, starting in 2023 and continuing through today, stating, asserting, implying and suggesting that the Plaintiffs were responsible for the murder of O'Keefe and engaged in a coverup by, in part, framing Read for O'Keefe's death.

159. The statements contained in Kearney's campaign of harassment and abuse constitute defamation *per se*. The harmful nature of the defamatory statements is self-evident. The defamatory statements implicate the Plaintiffs in heinous criminal conduct. False implications of criminal conduct constitute classic defamation *per se*.

160. Kearney's statements were of and concerning each of the Plaintiffs. He repeatedly identified Plaintiffs by name, and his audiences understood the defamatory statements to refer specifically to the Plaintiffs. The defamatory statements were published to third parties, including Kearney's hundreds of thousands of followers across multiple social media platforms, blog readers, podcast listeners, and television viewers.

161. Kearney made these defamatory statements in an effort to increase his viewership and to profit financially.

162. Kearney's defamatory publications readily identified the Plaintiffs to hundreds of

thousands of people.

163. Kearney's defamatory publications were broadcast to hundreds of thousands of people.

164. Kearney's defamatory publications have injured the Plaintiffs' reputations and images, and have exposed the Plaintiffs to public and private hatred, contempt, and ridicule. These false publications have caused the Plaintiffs to sustain actual and substantial damages.

165. In light of his prior experience with similar sorts of negligent, reckless and false statements, Kearney knew that his publications would cause the Plaintiffs to suffer harassment and potential violence.

166. Kearney broadcast his outrageous, cruel, and malicious lies about the Plaintiffs negligently, with knowledge that the statements were false, or with reckless disregard as to whether or not they were true.

167. These acts of Defendant Kearney resulted in damage to the Plaintiffs.

COUNT THREE
(AIDING & ABETTING DEFAMATION AND DEFAMATION *PER SE*)
As to Defendant Read

168. Paragraphs 1-116, as well as paragraphs 126-138 above are incorporated and realleged as if fully set forth herein.

169. Defendant Read knowingly, recklessly, negligently, and maliciously aided and abetted the foreseeable, wrongful and tortious conduct of Defendant Kearney against the Plaintiffs described above, thereby substantially assisting and encouraging such conduct.

170. Among other things, Read continuously and intentionally provided Defendant Kearney with non-public and/or confidential information about her criminal case and the Plaintiffs,

whether directly or through an intermediary, to direct, assist, and encourage Defendant Kearney's tortious conduct.

171. As a direct and proximate result of Defendant Read's wrongful conduct, the Plaintiffs have been injured and damaged as described above and are entitled to recover compensatory and punitive damages from Defendant Read.

COUNT FOUR
(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)
As to Defendant Read

172. Paragraphs 1-116 above are incorporated and realleged as if fully set forth herein.

173. In engaging in her campaign of outrageous and false statements about the Plaintiffs, Read intended to inflict emotional distress or knew, or should have known, that emotional distress was the likely result of her conduct.

174. Read's conduct was extreme and outrageous.

175. Read's conduct was extreme and outrageous because she orchestrated a coordinated campaign to falsely accuse the Plaintiffs of murder and conspiracy to frame her, knowing these accusations were false. Read deliberately used an intermediary and encrypted communications to funnel false statements to Kearney for maximum public dissemination, hired a private investigator previously associated with Harvey Weinstein to confront Plaintiffs, and celebrated the destruction of Plaintiffs' reputations while monetizing the resulting publicity. Read's conduct exceeded all bounds of decency because she knowingly destroyed the reputations and lives of innocent people to deflect attention away from her own culpability in O'Keefe's death.

176. Read's conduct was the cause of the Plaintiffs' distress.

177. The emotional distress sustained by the Plaintiffs was severe.

178. As a direct and proximate result of Read's conduct, the Plaintiffs suffered severe emotional distress including, but not limited to, anxiety, fear for their personal safety and the safety

of their families, damage to personal and professional relationships, and the inability to participate in normal daily activities without fear of harassment or confrontation.

179. The Defendant's conduct was so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community.

180. The Plaintiffs have suffered actual and substantial damages as a direct and proximate result of Read's conduct.

COUNT FIVE
(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)
As to Defendant Kearney

181. Paragraphs 1-116 above are incorporated and realleged as if fully set forth herein.

182. In broadcasting his campaign of outrageous and false statements about the Plaintiffs, Kearney intended to inflict emotional distress or knew, or should have known, that emotional distress was the likely result of his conduct.

183. Kearney's conduct was extreme and outrageous.

184. Kearney's conduct was extreme and outrageous because he: (a) published over 545 blog posts and countless videos falsely accusing Plaintiffs of murder; (b) stalked and confronted Plaintiffs at their homes, workplaces, and children's extracurricular activities; (c) publicly released Plaintiffs' personal identifying information including social security numbers, home addresses, and phone numbers; (d) organized mobs to gather outside Plaintiffs' homes; (e) called Plaintiffs derogatory names including "cop killer," "pig," and "horse face"; (f) left harassing voicemails for Plaintiffs and their family members; and (g) encouraged his followers to harass and confront Plaintiffs. Kearney's sustained, multi-year harassment campaign designed to torment the Plaintiffs and profit from their misery, constitutes conduct that exceeds all bounds of decency.

185. Kearney's conduct was the cause of the Plaintiffs' distress.

186. The emotional distress sustained by the Plaintiffs was severe.

187. As a direct and proximate result of Kearney's conduct, the Plaintiffs suffered severe emotional distress including, but not limited to, anxiety, fear for their personal safety and the safety of their families, depression, humiliation, damage to personal and professional relationships, and the inability to participate in normal daily activities without fear of harassment or confrontation.

188. Kearney's conduct was so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community.

189. In light of his prior experience with similar types of negligent, false and reckless statements, Defendant Kearney knew that his publications would cause the Plaintiffs to suffer harassment and potential violence.

190. The Plaintiffs have suffered actual and substantial damages as a direct and proximate result of Kearney's conduct.

COUNT SIX
(AIDING & ABETTING INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)
As to Defendant Read

191. Paragraphs 1-116, as well as paragraphs 181-190 above are incorporated and realleged as if fully set forth herein.

192. Defendant Read knowingly, recklessly, negligently, and with legal malice aided and abetted the foreseeable, wrongful and tortious conduct of Defendant Kearney against the Plaintiffs described above, thereby substantially assisting and encouraging such conduct.

193. Among other things alleged herein, Read continuously and intentionally provided Defendant Kearney with non-public and/or confidential information about her criminal case and

the Plaintiffs, whether directly or through an intermediary, in an effort to assist and encourage Defendant Kearney's tortious conduct.

194. As a direct and proximate result of Defendant Read's wrongful conduct, the Plaintiffs have been injured and damaged as described above and are entitled to recover compensatory and punitive damages from Defendant Read.

COUNT SEVEN
(NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS)
As to Defendant Read

195. Paragraphs 1-116 above are incorporated and realleged as if fully set forth herein.

196. Read's campaign of outrageous, cruel, and malicious lies created an unreasonable risk of causing the Plaintiffs severe emotional distress.

197. The Plaintiffs' distress was foreseeable.

198. The Plaintiffs' emotional distress was severe enough that it resulted in illness or bodily harm, including, but not limited to, anxiety, depression, sleep disturbances, and other physical manifestations of severe psychological trauma.

199. Read's outrageous, cruel, and malicious conduct was the cause of the Plaintiffs' distress.

200. The Plaintiffs have suffered actual and substantial damages as a direct and proximate result of the Defendant's conduct.

COUNT EIGHT
(NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS)
As to Defendant Kearney

201. Paragraphs 1-116 above are incorporated and realleged as if fully set forth herein.

202. Kearney's campaign of outrageous, cruel, and malicious lies created an unreasonable risk of causing the Plaintiffs severe emotional distress.

203. The Plaintiffs' distress was foreseeable.

204. The Plaintiffs' emotional distress was severe enough that it resulted in illness or bodily harm, including but not limited to anxiety, depression, sleep disturbances, and other physical manifestations of severe psychological trauma.

205. Kearney's outrageous, cruel, and malicious conduct was the cause of the Plaintiffs' distress.

206. The Plaintiffs have suffered actual and substantial damages as a direct and proximate result of the Defendant's conduct.

COUNT NINE
(AIDING & ABETTING NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS)
As to Defendant Read

207. Paragraphs 1-116, as well as paragraphs 201-206 above are incorporated and realleged as if fully set forth herein.

208. Defendant Read knowingly, recklessly, negligently, and with legal malice aided and abetted the foreseeable, wrongful and tortious conduct of Defendant Kearney against the Plaintiffs described above, thereby substantially assisting and encouraging such conduct.

209. Among other things alleged herein, Read continuously and intentionally provided Defendant Kearney with non-public and/or confidential information about her criminal case and the Plaintiffs, whether directly or through an intermediary, in an effort to assist and encourage Defendant Kearney's tortious conduct.

210. As a direct and proximate result of Defendant Read's wrongful conduct, the Plaintiffs have been injured and damaged as described above and are entitled to recover compensatory and punitive damages from Defendant Read.

COUNT TEN
(CIVIL CONSPIRACY)
As to Defendants Kearney & Read

211. Paragraphs 1-193 above are incorporated and realleged as if fully set forth herein.

212. The Defendants, acting in concert with each other, conspired by concerted action to pursue a campaign of defamation, harassment, abuse, and intimidation resulting in severe emotional distress on the Plaintiffs, which included numerous unlawful acts or lawful acts by unlawful means as described above.

213. The Defendants formed an agreement, whether express or implied, to defame the Plaintiffs and, through their intentional, reckless, and negligent conduct, to inflict severe emotional distress on them. This agreement is evidenced by: (a) Read's use of intermediaries and encrypted communications to funnel information and false statements to Kearney; (b) Kearney's admission that he received information and direction from Read and her legal team; (c) Read's praise and encouragement of Kearney's defamatory publications; (d) their coordinated timing of publications to coincide with court proceedings; (e) their shared financial and strategic interests in the defamation campaign; and (f) Read's and Kearney's joint efforts to conceal their relationship from the public.

214. In furtherance of their scheme to defame, harass, abuse, and intimidate the Plaintiffs, the Defendants committed overt acts and were otherwise willful participants in joint activity.

215. The Defendants' misconduct was undertaken with malice, willfulness, recklessness, and negligent indifference to the rights of others.

216. These acts of the Defendants resulted in damage to the Plaintiffs.

COUNT ELEVEN
(MASSACHUSETTS UNFAIR TRADE PRACTICES ACT)
As to Defendant Kearney

217. Paragraphs 1-116, as well as paragraphs 126-138 above are incorporated and realleged as if fully set forth herein.

218. Kearney, in the course of trade or commerce, unethically, oppressively, immorally,

and unscrupulously developed, propagated, and disseminated outrageous and malicious lies about the Plaintiffs and their family members, and he did so for profit. Kearney operates a commercial enterprise through which he monetizes content by selling subscriptions, merchandise featuring the Plaintiffs' names and likenesses, and advertising, and by soliciting donations. Kearney's defamatory statements about the Plaintiffs were integral to his commercial business model and were designed to attract paying customers and generate revenue.

219. This campaign of lies, abuse, and harassment was a deceptive and unfair practice and offended public policy. Kearney's conduct constitutes unfair methods of competition and unfair or deceptive acts or practices in the conduct of trade or commerce within the meaning of M.G.L. c. 93A, § 2.

220. Kearney's reprehensible conduct caused substantial injury to the Plaintiffs that is not outweighed by any countervailing benefits to consumers or competition, and that the Plaintiffs themselves could not have reasonably avoided. Kearney's monetization of defamatory content about private individuals constitutes an unfair business practice.

221. Plaintiffs are consumers, and Kearney's actions caused them to suffer significant damages to, *inter alia*, money or property.

222. Kearney's conduct was a foreseeable cause of and a substantial factor causing the Plaintiffs' injury.

223. Kearney broadcast his outrageous, cruel, and malicious lies about the Plaintiffs negligently or with knowledge that the statements were false or with reckless disregard as to whether or not they were true.

224. Kearney's conduct was willful and knowing, entitling the Plaintiffs to an award of double or treble damages pursuant to M.G.L. c. 93A, § 9. Kearney deliberately built a commercial

enterprise around defaming the Plaintiffs, knowing his statements were false or acting with reckless disregard for their truth or falsity.

225. These acts of the Defendant resulted in damage to the Plaintiffs.

226. Plaintiffs, through their counsel, served a demand letter on Kearney at least thirty (30) days prior to the filing of the original Complaint pursuant to M.G.L. c. 93A, detailing the underlying facts of this cause of action with reasonable specificity.

VI. REQUEST FOR RELIEF

WHEREFORE, for the reasons set forth above, the Plaintiffs respectfully request that the Court grant the following relief:

A. Enter judgment in favor of the Plaintiffs on all counts;

B. Award damages in an amount to be determined at trial, but to exceed at least this Court's jurisdictional limit, including double or treble damages, pursuant to Chapter 93A;

C. Award punitive damages in an amount to be determined at trial;

D. Award the Plaintiffs reasonable attorneys' fees, costs, expenses of this litigation, and pre-judgment interest;

E. Award any such other legal, equitable, and declaratory relief as the Court deems just and proper.

VII. JURY DEMAND

PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

Dated in Boston, Massachusetts on this 5th day of June, 2026.

JENNIFER McCABE, BRIAN ALBERT, COLIN ALBERT, and BRIAN HIGGINS

By their attorneys,

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CERTIFICATE OF SERVICE

I hereby certify that, on June 5, 2026, I caused to be served a copy of the foregoing by electronic mail upon the following:

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Docket Number 2683CV00541

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss. SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO.: 2683CV00541

JENNIFER McCABE; BRIAN ALBERT; COLIN ALBERT; and BRIAN HIGGINS,

Plaintiffs,

v.

KAREN READ and AIDAN KEARNEY

Defendants.

DEFENDANT KAREN READ'S SPECIAL MOTION TO DISMISS PURSUANT TO THE ANTI-SLAPP LAW, G.L. C. 231, § 59H, AND MOTION TO DISMISS PURSUANT TO MASS. R. CIV. P. 12(b)(6)

INTRODUCTION

Karen Read was charged and then prosecuted twice for the death of Boston Police Officer John O'Keefe, III. The first criminal trial ended in a mistrial on July 1, 2024. The second trial which commenced in April 2025 resulted in an acquittal. Her defense at trial was consistent, clear and supported by overwhelming circumstantial, medical and scientific evidence: she did not kill Mr. O'Keefe, and was framed by the conflicted and corrupt police investigators and the individuals in the house at 34 Fairview, who were involved in Mr. O'Keefe's death.

Plaintiffs have now sued Ms. Read for speech pertaining to her defense. The legislature, however, has enacted "very broad protection for petitioning activities" like Ms. Read's. *Duracraft Corp. v. Holmes Prods. Corp.*, 427 Mass. 156, 162 (1998). The Anti-SLAPP Statute, G.L. c. 231, § 59H, provides civil immunity for the exercise of the right to petition the

government. Its protection extends not only to statements made directly to government bodies, but those made "in connection" with ongoing judicial proceedings, and statements "reasonably likely to enlist public participation." G.L. c. 231, § 59H. The statute "immunize[s] this broad category of conduct from suit, except where it is 'devoid of any reasonable factual support or any arguable basis in law.'" *Bristol Asphalt, Co. v. Rochester Bituminous Prods., Inc.,* 493 Mass. 539, 550 (2024) ("*Bristol Asphalt*"), quoting G.L. c. 231, § 59H.

Here, and as explained below, the Anti-SLAPP Statute requires dismissal of all of Plaintiffs' claims against Ms. Read because they are based solely on her petitioning activity, and Plaintiffs cannot prove by a preponderance of the evidence that her petitioning was "devoid" of "any" reasonable factual support or arguable basis in law. G.L. c. 231, § 59H.

Accordingly, Ms. Read moves to dismiss the claims against her under the Anti-SLAPP Statute and pursuant to Mass. R. Civ. P. 12(b)(6). Ms. Read also seeks her attorney's fees pursuant to the statute.

In support of her motion, Ms. Read submits the Affidavit of Karen Read (the "Read Aff.") and Affidavit of Damon M. Seligson (the "Seligson Aff."), including exhibits appended thereto.

FACTUAL BACKGROUND

Unlike a motion to dismiss for failure to state a claim under Mass. R. Civ. P. 12(b)(6), a court faced with an Anti-SLAPP motion "shall consider . . .supporting and opposing affidavits stating the facts upon which the liability or defense is based." G.L. c. 231, § 59H; *Amato v. Perlera,* 99 Mass. App. Ct. 1125 (unpub.) (2021) (considering "exhibits submitted by the parties" on Anti-SLAPP motion).[1] Here, Ms. Read sets forth the following facts drawn from the

[1] Each of the exhibits referred to in this motion ("Ex __.") is attached to the Seligson Aff.

allegations in Plaintiffs' Amended Complaint (the "Complaint") and the affidavits and exhibits filed herewith.

At Count One of their Complaint, Plaintiffs allege that Ms. Read "repeatedly publish[ed] false statements asserting or reasonably understood as asserting that the Plaintiffs were responsible for the murder of Mr. O'Keefe, and a coverup of their purported role in that murder." Complaint ¶147. Plaintiffs do not identify the allegedly defamatory statements in Count One, but the Complaint only identifies a handful of allegedly false statements by Ms. Read about Plaintiffs:

- Stating to investigating officers prior to her arraignment that Brian and Colin Albert beat up Mr. O'Keefe, *see id.* ¶19, which statement was released to the public during a judicial hearing in April 2024, *see id.* ¶21.
- Stating in a discovery motion during her first prosecution that Brian and Colin Albert were responsible for Mr. O'Keefe's death and that Ms. McCabe was the "mastermind" who covered it up. *See id.* ¶27.
- Forwarding the motion to Defendant Aidan Kearney who then published it. *See id.* ¶¶32, 37, 38.
- Telling Mr. Kearney (through an intermediary) that Brian, Nicole, Chris, and Julie Albert all testified to a grand jury that Colin Albert was present at the Alberts' home at 34 Fairview. *See id.* ¶49.
- Telling reporters during her second trial that Ms. McCabe's testimony at the trial was perjured and that she was lying. *See id.* ¶120.
- Telling a podcast on January 12, 2026 that Mr. O'Keefe entered the Alberts' house "and much sooner than later met his demise" and that "someone in that house killed John O'Keefe." *See id.* ¶130.

As described below, all these statements constitute petitioning activity.

Similarly, at Counts Three, Four, Six, Seven, Nine and Ten, Plaintiffs assert various non-defamation claims against Ms. Read. Specifically, Counts Three, Six and Nine allege that Ms. Read is liable for aiding and abetting three discrete torts allegedly committed by Mr. Kearney

(defamation, intentional infliction of emotional distress, and negligent infliction of emotional distress). They all allege the same activity, that Ms. Read "continuously and intentionally provided Defendant Mr. Kearney with non-public and/or confidential information about her criminal case." Complaint ¶¶170, 193, 209.

Counts Five and Nine allege intentional and negligent infliction of emotional distress, based on Ms. Read's alleged "campaign of false and outrageous statements about Plaintiff." Complaint ¶173; *see also id.* ¶196 (NIED count based on "Read's campaign of outrageous, cruel, and malicious lies"). The emotional distress claims appear to be based on the same statements and conduct underlying the direct defamation count and the aiding and abetting counts.

Plaintiff's final claim against Ms. Read, Count Thirteen, alleges a civil conspiracy between Ms. Read and Mr. Kearney: "an agreement . . . to defame the Plaintiffs and . . . to inflict severe emotional distress on them." Complaint ¶213.

For the reasons set forth below, these counts should be dismissed pursuant to the Anti-SLAPP Statute because they are based on the same statements that underlie Count One, all of which fall under broad definition of "petitioning activity" in the Anti-SLAPP Statute.

ARGUMENT

I. The Massachusetts Anti-SLAPP Statute.

The Massachusetts Anti-SLAPP Statute, G.L. c. 231, §59H authorizes a defendant to file a "special motion to dismiss" when facing claims based on the defendant's "exercise of [her] right of petition." *See Bristol Asphalt Co.*, 493 Mass. at 548-49. The statute's "powerful procedural protections" aim to foster the speedy dismissal of claims based on petitioning unless it was "devoid of any reasonable factual support or any arguable basis in law." *Id.* at 557, quoting G.L. c. 231, § 59H.

The SJC has adopted a two-stage inquiry when evaluating a Special Motion to Dismiss. Under the first stage, the movant "must make a threshold showing through pleadings and affidavits that the claims against are based on the [movant's] petitioning activities alone and have no substantial basis other than or in addition to the petitioning activities." *Id.* at 556. If the movant carries its threshold burden, the second stage of the analysis requires dismissal unless the nonmovant can "prove a negative": that the movant's petitioning activity (1) "was devoid of any reasonable factual support or any arguable basis in the law," and (2) caused actual injury to the nonmovant. *Id.* at 557.

The nonmovant's second-stage burden is "a difficult task." *Id.* The nonmovant must establish the lack of "any reasonable factual support" for the petitioning activity by a preponderance of the evidence. *Id.* Furthermore, in the case of conflicting affidavit testimony, the reviewing court cannot resolve disputed credibility issues in favor of the nonmovant. *See id.* at 558. Thus, "the evidentiary support in favor of the special motion proponent's petitioning activity must be quite limited" to satisfy the nonmovant's burden and avoid dismissal. *See id.*

Further, the Anti-SLAPP Statute provides that if a court grants a special motion to dismiss, it "shall award the moving party costs and reasonable attorney's fees, including those incurred for the special motion. . . ." G.L. c. 231, § 59H. Moreover, "the award of attorney's fees . . . is mandatory." *N. Am. Expositions Co. Ltd. P'ship v. Corcoran*, 452 Mass. 852, 872 (2009) (internal quotations omitted).

Here, Ms. Read easily meets her burden of establishing that all of the alleged activity is protected petitioning, and Plaintiff cannot meet their burden to establish that her petitioning activity was "devoid of any reasonable factual support or any arguable basis in the law." As a

result, the Court should allow Ms. Read's Motion and award reasonable attorney's fees and costs.

II. The Court Should Dismiss Plaintiffs' Claims Against Ms. Read Pursuant to the Anti-SLAPP Statute.

A. First Stage: Plaintiffs' Claims Are Based Solely on Petitioning Activity

At the first stage of the Anti-SLAPP analysis, "a court need only conduct a facial review of a special motion opponent's pleading to identify which factual allegations serve as the basis for a particular claim." *Bristol Asphalt,* 493 Mass. at 561. However, the Court can consult "documents in the Anti-SLAPP record to determine whether these factual allegations fall within the statutory definition of petitioning activity." *Id.*, n.21.

The Anti-SLAPP statutes defines "petitioning expansively." *Id. a*t 550; *see also Duracraft Corp. v. Holmes Prods. Corp.,* 427 Mass. 156, 162 (1998) (statutory definition of petitioning activity is "very broad"). Indeed, the definition of "a party's exercise of its right of petition" in the Anti-SLAPP Statute is "very broad" and includes several elements that squarely apply to Ms. Read's speech and actions here, including: "any written or oral statement made in connection with an issue under consideration or review by a legislative, executive, or judicial body;" "any statement reasonably likely to encourage consideration or review of an issue by a legislative, executive, or judicial body," "any statement reasonably likely to enlist public participation in an effort to effect such consideration;" and "any other statement falling within constitutional protection of the right to petition government." G.L. c. 231, § 59H.[2] Additionally,

[2] The statutory definition is:

> any written or oral statement made before or submitted to a legislative, executive, or judicial body, or any other governmental proceeding; any written or oral statement made in connection with an issue under consideration or review by a legislative, executive, or judicial body, or any other governmental proceeding; any statement reasonably likely to encourage consideration or review of an issue by a legislative, executive, or judicial body

"[i]n order to determine if statements are petitioning, [courts] consider them in the over-all context in which they were made." *N. Am. Expositions Co. Ltd. P'ship v. Corcoran*, 452 Mass. 852, 862 (2009). A facial review of the Complaint shows that Plaintiffs' claims against Ms. Read are based on her statements, all of which meet the expansive and very broad definition of petitioning activity.

1. Count One Is Based on Petitioning Activity.

At Count One, Plaintiffs allege that Ms. Read "repeatedly publish[ed] false statements asserting or reasonably understood as asserting that the Plaintiffs were responsible for the murder of O'Keefe, and a coverup of their purported role in that murder." Complaint ¶147. Plaintiffs do not identify the allegedly defamatory statements in Count One, however, in the Complaint as a whole, Plaintiffs identify a handful of allegedly false statements by Ms. Read about Plaintiffs:

- Stating to investigating officers prior to her arraignment that Brian and Colin Albert beat up Mr. O'Keefe, *see id.* ¶19, which statement was released to the public during a judicial hearing in April 2024, *see id.* ¶21.
- Stating in a discovery motion during her first prosecution that Brian and Colin Albert were responsible for Mr. O'Keefe's death and that Ms. McCabe was the "mastermind" who covered it up. *See id.* ¶27.
- Forwarding the court-filed motion to Mr. Kearney who then published it. *See id.* ¶¶32, 37, 38.
- Telling Mr. Kearney (through an intermediary) that Brian, Nicole, Chris, and Julie Albert all testified to a grand jury that Colin Albert was present at the Alberts' home at 34 Fairview. *See id.* ¶49.
- Telling reporters during her second trial that Ms. McCabe's testimony at the trial was perjured and that she was lying. *See id.* ¶120.

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or any other governmental proceeding; any statement reasonably likely to enlist public participation in an effort to effect such consideration; or any other statement falling within constitutional protection of the right to petition government.

G.L. c. 231, § 59H.

- Telling a podcast on January 12, 2026 that Mr. O'Keefe entered the Alberts' house "and much sooner than later met his demise" and that "someone in that house killed John O'Keefe." *See id.* ¶130.

All of these statements by Ms. Read constitute petitioning activity.

First, the statement Ms. Read made to investigating officers was after she had been arrested and was trying to convince the police officers that the Alberts, rather than her, were responsible for Mr. O'Keefe's death. *See* Read Aff., ¶¶ 8-9. Therefore, it was an "oral statement made before . . . a[n] executive body" reporting a violation of law by the Alberts and thus constitutes "petitioning activity." *See* G.L. c. 231, § 59H; *Town of Hanover v. New England Regional Council of Carpenters,* 467 Mass. 587, 592 (2014) (reporting violation of law to officials is petitioning activity); *O'Gara v. St. Germain,* 91 Mass. App. Ct. 490, 497 (2017).

Second, the statements made in the discovery motion are similarly "written . . . statement[s] made before or submitted to a . . . judicial body." *See SMS Fin. V, LLC v. Conti,* 68 Mass. App. Ct. 738, 746, 865 N.E.2d 1142, 1149 (2007) ("Petitioning activities include statements submitted to a judicial body."). Sharing the court-filed document is itself petitioning activity. *See Wynne v. Creigle,* 63 Mass. App. Ct. 246, 253-254 (2005) (concluding that statements made to press that were "essentially mirror images" of statements made at disciplinary hearing were also petitioning activities). Ms. Read did not have a commercial motivation[3] when she shared the motion with Mr. Kearney. Instead, she hoped he would publicize it so that the public at large would understand that she had been framed and would pressure the Commonwealth to drop her prosecution and instead prosecute the true perpetrators. *See* Read. Aff. ¶ 10. *Compare Riverdale Mills Corp. v. Cavatorta N. Am., Inc.,* 189 F. Supp. 3d 317, 325 (D. Mass. 2016). The Complaint itself alleges that Ms. Read's purpose in sharing

[3] Notably, the Complaint only alleges that Mr. Kearney, not Ms. Read, acted in the course of trade and commerce and violated the Massachusetts Unfair Trade Practices Act. *See* Complaint ¶¶217-226.

information with Mr. Kearney was to widely disseminate the information to "cast[] . . . suspicion on the Plaintiffs and away from Read." *See* Complaint ¶48. The statements made in the discovery motion, shared with Mr. Kearney, were made to influence, inform, or at the very least, reach governmental bodies — either directly or indirectly," *Blanchard v. Steward Carney Hosp.,* 477 Mass. 141, 149 (2017) (quotation omitted). There is thus a "plausible nexus between the statement and the governmental proceeding," *id.*, and therefore, they were "made in connection with an issue under consideration or review by a legislative, executive, or judicial body, or any other governmental proceeding" and were "reasonably likely to enlist public participation in an effort to effect" Ms. Read's first prosecution and then her retrial. G.L. c. 231, § 59H.

The same is also true of Ms. Read's statements to reporters that Ms. McCabe had perjured herself during her trial testimony in Ms. Read's second trial. Ms. Read made the statements on the courthouse steps, immediately after the conclusion of that day's proceedings. *See* Read Aff. ¶¶ 10-12. The purpose was to widely disseminate to the public her defense to the prosecution that the McCabes, the Alberts, and Higgins were responsible for Mr. O'Keefe's death. *See id*. The goal was to galvanize public support and to pressure the Norfolk County District Attorney's office to drop the prosecution or to refrain from a second retrial in the case of another mistrial. *See id.*

Thus, the allegedly tortious statement is similar to the statements made to the Boston Globe in *Blanchard v. Steward Carney Hosp.,* 477 Mass. 141, 148 (2017). In *Blanchard,* a hospital president made statements to the Boston Globe at the time the Commonwealth was considering revoking a hospital unit's operating license because of suspected abuse cases. The SJC held the president's statements were petitioning activity because the "statement communicated to readers, likely including some of the licensing decision makers . . . that

progress was occurring at the hospital and that its license to operate the unit should not be revoked." 477 Mass. at 150. The statements were petitioning activity - made in connection with the ongoing licensure proceeding - because (1) they "directly related to [the Commonwealth's] then-pending investigation," (2) was "in furtherance of the objective of the hospital's petitioning activity – the preservation of the hospital's license," (3) "were issued in a manner that was likely to influence, or at the very least, reach" the Commonwealth because it was made in the widely circulated Globe, and (4) the timing of the statements indicated a nexus with the investigation because they were made while the investigation was pending. Additionally, the SJC has ruled that speech and advocacy designed to foment public participation around a pending judicial proceeding constitutes protected petitioning under G.L. c. 231, § 59H. *See Cardno ChemRisk, LLC v. Foytlin*, 476 Mass. 479, 481-486 (2017) (holding that published article about a pending pollution lawsuit that included an "implicit call for its readers to take action . . . fits squarely within the second clause of G.L. c. 231, § 59H: 'any statement reasonably likely to enlist public participation.")

Similarly, here, Ms. Read's statement to reporters that McCabe was untruthful directly related to the then-pending prosecution, supported Ms. Read's petitioning activity in that proceeding (to be acquitted, to have the claim dismissed, and to avoid a retrial in the case of a hung jury), was issued in a manner that would be widely reported (as it was covered by local television news channels), and was issued while the prosecution was still pending. The statement was thus petitioning activity. *See id.*

Finally, Ms. Read's statements in the January 2026 "Rotten Mango" podcast were also petitioning activity because they were made "in connection with an issue under consideration or review by a . . . judicial body." G.L. c. 231, § 59H. In particular, even though the underlying

prosecutions had ended, Ms. Read was already defending a wrongful death claim brought by Mr. O'Keefe's family in Plymouth Superior Court, which had been filed in August 2024. *See* Read Aff. ¶¶ 12-15. Ms. Read's statements on the podcast were related to her case; they were intended to be widely publicized;[4] they were intended to keep her defense publicized, and to persuade any judge or fact-finder that she should not be held liable for Mr. O'Keefe's death; and they were intended to convince the O'Keefe family that it had sued the wrong party and should drop its suit. *See* Read Aff. ¶¶ 12-15. Thus, like her other statements with a plausible nexus to an ongoing proceeding, the "over-all context in which they were made," shows that Ms. Read's statements on Rotten Mango were "made in connection with an issue under review by a judicial body" and was "reasonably likely to enlist public participation," and therefore constitute petitioning activity. *N. Am. Expositions Co. Ltd. P'ship, supra,* at 862; G.L. c. 231, § 59H.

2. The Other, Non-Defamation Counts Are All Based on Ms. Read's Statements that Constitute Petitioning Activity.

In Counts Three, Four, Six, Seven and Nine, Plaintiffs assert various non-defamation claims against Ms. Read. They should also be dismissed under the Anti-SLAPP statute because they are based on the same statements that underlie Count One, all of which fall under broad definition of "petitioning activity" in the Anti-SLAPP statute.

a. <u>The Aiding and Abetting Counts (Counts Three, Seven and Eleven)</u>

Counts Three, Six and Nine all allege aiding and abetting liability for three discrete torts allegedly committed by Mr. Kearney (defamation, intentional infliction of emotional distress, and negligent infliction of emotional distress). They all allege the same activity aided and

[4] The Rotten Mango podcast has over 6 million subscribers at YouTube, making it one of the most widely distributed podcasts. *See* Read Aff. ¶14; *see also* Weekly Top Podcast Shows, YouTube Charts, <u>available at</u> https://charts.youtube.com/podcasts.

abetted Mr. Kearney's tortious conduct: that Ms. Read "continuously and intentionally provided Defendant Mr. Kearney with non-public and/or confidential information about her criminal case." Complaint ¶¶ 170, 193, 209 The Complaint's only allegations about Ms. Read sharing non-public and/or confidential information with Mr. Kearney are in paragraphs 28 and 49-51, all of which constitute petitioning activity.

Paragraph 28 alleges that Ms. Read forwarded her April 12, 2023 discovery motion, which had "non-public documents" attached to it. But, as discussed above, the discovery motion is a court pleading and thus a "written. . . statement[s] made before or submitted to a . . . judicial body." In other words, it is petitioning activity.

Paragraph 49 alleges that Ms. Read falsely told Mr. Kearney through an intermediary that the Alberts provided grand jury testimony that Colin Albert was at the Alberts house the night of Mr. O'Keefe's death. Paragraph 50 alleges that Ms. Read told Mr. Kearney, "Not public: the feds have been involved longer than anyone is likely guessing." Paragraph 51 alleges that Mr. Kearney published an audio file capturing Ms. McCabe's 911 call the morning Mr. O'Keefe's body was found, and implies the file came from Ms. Read or Ms. Read's legal team.

As with the allegedly defamatory statements made directly by Ms. Read, all of these statements that Plaintiffs say constitute aiding and abetting defamation were "petitioning activities" because they were "made in connection with an issue under ... review by a ... judicial body" and "reasonably likely to enlist public participation in an effort to effect such consideration." Like the alleged direct defamation underlying Count One, there is a "plausible nexus" between these statements and the prosecution. They were made while Ms. Read was being prosecuted and, as the Complaint alleges, were made for the purpose of being widely disseminated to support Ms. Read's defense. *See* Complaint ¶48 (statements forwarded to Mr.

Kearney "so that Mr. Kearney could selectively publish . . . for the purpose of casting…suspicion on Plaintiffs and away from Read"); *see also id.* ¶67 (alleging Ms. Read "us[ed] Mr. Kearney as a tool to seed the public discourse with defamatory material").

b. The Emotional Distress Counts (Counts Four and Seven).

Counts Four and Seven allege intentional and negligent infliction of emotional distress, based on Ms. Read's alleged "campaign of false and outrageous statements about Plaintiff." Complaint ¶173; *see also id.* ¶196 (NIED count based on "Read's campaign of outrageous, cruel, and malicious lies"). The emotional distress claims appear to be based on the same statements and conduct underlying the direct defamation count and the aiding and abetting counts. Therefore, for the reasons outlined above, these counts are also premised on Ms. Read's petitioning activity. *See Shay v. Walters*, 720 F.3d 76, 83 (1st Cir. 2012) (plaintiff's claim for negligent infliction of emotional distress dismissed because it "grows out of the same nucleus of operative facts that spawn her defamation claim.")

Count Four confirms that. It alleges Ms. Read "orchestrated a coordinated campaign to falsely accuse the Plaintiffs of murder and conspiracy to frame her," and "funneled false statements to Mr. Kearney for maximum public dissemination." *See* Complaint ¶ 175[5] In other words, the alleged purpose of Ms. Read's statements and communications with Mr. Kearney was to widely disseminate her defense that Plaintiffs were responsible for O'Keefe's death. Given this purpose and the widespread public dissemination, the statements and communications were petitioning activities – they were "made in connection with an issue under ... review by a ...

[5] Count Four, the IIED claim, also alleges that Ms. Read "hired a private investigator previously associated with Harvey Weinstein to confront Plaintiffs." As explained *infra* Part II.C this allegation does not support an IIED claim because there is nothing extreme and outrageous about hiring a private investigator to interview someone, there is no allegation that any of the Plaintiffs were aware the private investigator was "previously associated with Harvey Weinstein," and there are no allegations the investigator did anything beyond try to speak with Higgins.

judicial body" and "reasonably likely to enlist public participation in an effort to effect such consideration." *Bristol Asphalt*, 493 Mass. at 550 (explaining that G.L. c. 231, § 59H "immunize[s] in [a] broad category of *conduct* from suit unless devoid of merit") (emphasis added).

c. The Civil Conspiracy Count (Count Ten).

Plaintiff's final claim against Ms. Read, Count Ten alleging civil conspiracy, is also solely based on petitioning activity. The Complaint alleges that the conspiracy between Ms. Read and Mr. Kearney was "an agreement . . . to defame the Plaintiffs and . . . to inflict severe emotional distress on them." Complaint ¶213. Again, the claim is based on the same allegedly defamatory statements and communications. They were made to widely publicize Ms. Read's defense while proceedings against her were pending in an effort for an acquittal and/or to pressure the Commonwealth to dismiss the case and refrain from a retrial in the case of another hung jury. *See* Read Aff. ¶10. Like the other claims, therefore, Count Thirteen is based on petitioning activity.

B. Second Stage: Plaintiffs Cannot Show Ms. Read's Petitioning Activities Were Devoid of Any Reasonable Factual Support.

Because all of Plaintiffs' claims against Ms. Read are based on petitioning activity, to avoid dismissal under the Anti-SLAPP statute, the burden shifts to the Plaintiffs to show by a preponderance of the evidence that Ms. Read's petitioning activities were "devoid of any reasonable factual support or any arguable basis in law" and "caused actual injury" to them. *See Bristol Asphalt*, 493 Mass. at 557. *See also Doe v. Thorell,* 106 Mass. App. Ct. 532, 535-536 (2026). As the SJC has stated, this is a "difficult task" and even the submission of an affidavit showing a material dispute of fact does not suffice to show the petitioning activity was devoid of

any reasonable factual support. *Bristol Asphalt, supra,.* at 557-58.[6] In this case, Plaintiffs cannot clear this "high bar," *Blanchard,* 477 Mass. at 156 n.20, because there is ample evidence supporting Ms. Read's statements that Plaintiffs caused Ms. O'Keefe's death and then tried to frame her. Of course, the simple and dispositive answer to whether Ms. Read's defense – that she did not kill Mr. O'Keefe and that multiple parties attempted to frame her - is "devoid" of "any reasonable factual support or arguable basis in law" was answered already on June 18, 2025 when a jury acquitted Ms. Read of all charges relating to the death of Mr. O'Keefe. *See Fabre v. Walton*, 436 Mass. 517, 524 (2002) (holding that judgment in favor of party to litigation "is conclusive evidence that the petitioning activity was not devoid of any reasonable factual support or arguable basis in law"); *Baker v. Parsons,* 434 Mass. 543, 555 n. 20 (2001) (noting that "[i]t is not enough for [plaintiff] to show that [defendant's] alleged petitioning activity . . . was based on an error of law; he must show that no reasonable person could conclude that there was [a basis in law] for [his position]."). There is no need for this Court to re-invent the wheel here.

Putting that analysis aside for the moment, however, the evidence supporting Ms. Read's position remains overwhelming. Below is a sampling:

- Ms. Read did not strike Mr. O'Keefe with her vehicle. *See* Read Aff., ¶5.
- The Massachusetts Chief Medical Examiner testified that Mr. O'Keefe's injuries were not consistent with a vehicle strike but rather a physical altercation. *See* Testimony of Dr. Irini Scordi-Bello, Exh. 1 to the Seligson Aff.
- Mr. O'Keefe did not show signs of a physical altercation before Ms. Read dropped him off, and he and Ms. Read did not have such an altercation before she dropped him off at the Alberts' house. *See* Read Aff. ¶ 6.

[6] The SJC's jurisprudence "has tended to 'equate the standard under the Anti-SLAPP statute with the concept of frivolousness.'" *Bristol Asphalt,* 493 Mass. At 559-60, quoting Demoulas Super Mkts., Inc. v. Ryan, 70 Mass. App. Ct. 259, 267 (2007). "[A] claim is frivolous if there is an absence of legal or factual basis for the claim, and if the claim is without even a colorable basis in law." Id. (internal quotes omitted). Even where the petitioning does not end in the petitioner's favor, that "does not, in and of itself, mean that [it] did not have some basis in law or foundation in fact." *Donovan v. Gardner*, 50 Mass. App. Ct. 595, 601 (2000).

- Mr. O'Keefe also suffered a contrecoups wound on the back of his head, which is consistent with falling on the ridged surfaces present in the Alberts' home garage. *See* Testimony of Dr. Irini Scordi-Bello, Exh. 1 to Seligson Aff.

- Mr. O'Keefe also suffered dog bite wounds and the Alberts' German shepherd had a history of aggression. *See* Testimony of Dr. Irini Scordi-Bello, Exh. 1 to Seligson Aff.

- Mr. O'Keefe's phone was at some point inside the Alberts' home. *See* Testimony of Ian Whiffin, Exh. 3 to Seligson Aff.

- Ms. McCabe had used her phone to search at 2:27 am on January 28 how long it takes for a person to die in the cold. *See* Testimony of Richard Green, Exh. 4 to Seligson Aff.

- In the early morning hours of January 29, 2022, Mr. O'Keefe's body was not present in the spot it was later found, as Brian Loughran testified. *See* Testimony of Brian "Lucky" Loughran, Exh. 5 to Seligson Aff. Instead, a Ford Edge was parked in the spot, *see id.*, though it was not present when Ms. Read dropped off Mr. O'Keefe, *see* Read Aff. ¶6. Brian Albert owned a Ford Edge at the time. *See* Brian Albert Trial Testimony, Exh. 6 to Seligson Aff.

- Dr. Elizabeth Laposata, the former chief medical examiner for Rhode Island and a professor at Brown University, opined that Mr. O'Keefe died from a massive skull fracture that was inconsistent with a vehicle strike. *See* Exhibits 30-32 appended to the *Affidavit of Jeffrey J. Pyle submitted in support of Defendant Aidan Kearney's Special Motion to Dismiss Pursuant to the Anti-SLAPP Law.* Dr. Laposata further testified that due to the abrasions on the back of Mr. O'Keefe's head, the injury was most likely caused by falling backward onto a ridged surface, and she observed no evidence of any ridged surface where his body was found. *Id.* She also testified that she found no evidence that Mr. O'Keefe suffered from hypothermia. *Id.* She testified further that the wounds on his right arm were consistent with an animal bite or claw marks. *Id.*

In addition, there is ample evidence that Plaintiffs have made material misrepresentations in previous sworn testimony, rendering suspect any sworn statements offered in this case. Those misrepresentations include:

- Brian Higgins

  - Mr. Higgins originally told police he went to the Canton Police Department on the morning of January 29 to do "administrative work" (in the middle of a snowstorm." *See* Testimony of Brian Higgins, Exh.

13 to Seligson Aff. Mr. Higgins then told the grand jury and said he went to the Canton Police Department "to move cars around." *See id.* Yet later at trial, video evidence showed Higgins moving a large parcel from one vehicle to another, disappearing into his office and then spending a period of time in another unseen area of CPD, and then finally exiting CPD. *See* Canton Police Department Incident Report, Exh. 10 to Seligson Aff.

- Mr. Higgins testified that he didn't speak to anyone after leaving the Alberts' house until he was notified of Mr. O'Keefe's death the morning of January 29. *See id*, Exh. 13 to Seligson Aff. However, evidence at trial showed that he and Brian Albert communicated by phone at 2:22am that morning before Mr. O'Keefe's body was found. *See* Higgins-Albert Call Logs, Exh. 2 to Seligson Aff.

Nicole & Brian Albert

- On January 29, they told Sgt. Lank that their daughter, Caitlin Albert, was only briefly at the Alberts House and left around 12:15am. *See* Canton Police Department, at page 8, ¶ 6, Exh. 10 to Seligson Aff. However, Caitlin was later interviewed by MSP and said she was the last to leave 34 Fairview. *See* Massachusetts State Police Interview of Caitlin Albert, Exh. 9 to Seligson Aff. Trial testimony by all the House Defendants confirmed Caitlin was the last to leave the Alberts' house at around 2am. *See* Transcript of Trial Testimony of Jennifer McCabe, Exh. 11 to Seligson Aff.

- Nicole Albert told police she was asleep until Ms. McCabe came into her bedroom just before 7am on January 29. *See* Transcript of Trial Testimony of Nicole Albert, Exh. 14 to Seligson Aff. However, call logs show a 38 second answered call from Jen to Nicole at 5:07:21am. *See* Jennifer McCabe Phone Records at page 11, Exh. 12 to Seligson Aff.

- Brian Albert testified that he didn't make any calls during the night of January 29, but call logs showed activity between him and Brian Higgins at 2:22am. *See* Brian Albert Trial Testimony, Exh. 13 to Seligson Aff.

- Jennifer McCabe

- Ms. McCabe falsely identified herself as "Nicole" to interviewing FBI agents and falsely told them that she had not made any phone calls in the brief period after the agents first showed up and then returned for questioning. *See* Jennifer McCabe Trial Transcript, Exh. 11 to Seligson Aff. After being threatened with the penalties of lying to

agents "from another organization," Ms. McCabe admitted to calling her husband, Brian Albert, Peg O'Keefe, and Adam Lally. *See* Exh. 11 to Seligson Aff.

- Ms. McCabe omitted during her trial testimony that she went to Sgt. Lank's house on Jan. 30 until the defense presented her phone's location data. *See* Exh. 11 to Seligson Aff. She also testified that she drove straight to Sgt. Lank's house from the O'Keefes' house, but her path of travel showed she went directly to Sgt. Lank from her own house after stopping at the Alberts' house. *See* Exh. 11 to Seligson Aff. She also denied ever stopping at the Alberts' house, but the phone data at trial revealed a 5-minute stop on the way to Sgt. Lank's residence. *See* Exh. 11 to Seligson Aff.

- Ms. McCabe falsely told first responders that Ms. Read said, "Could I have hit him?" *See* Exh. 11 to Seligson Aff. She later testified at trial Ms. Read said, "I hit him I hit him I hit him." *See* Exh. 11 to Seligson Aff.

Besides the physical evidence and the evidence that Plaintiffs have made numerous material misstatements in previous testimony, Plaintiffs have also destroyed multiple pieces of evidence, with the knowledge that the evidence would be relevant to any prosecution and later civil litigation. Mr. Higgins and Brian Albert destroyed their phones after a court order to preserve them. *See* Testimony of Brian Higgins, Exh. 13 to Seligson Aff. Even though she didn't destroy her phone, Ms. McCabe deleted many of her texts as well as the 2:27 am Google search. *See* Testimony of Richard Green, Exh. 4 to Seligson Aff. At the very least, the Court should draw an adverse inference that the deleted information would not have supported Plaintiffs' statements that they had nothing to do with O'Keefe's death. *See Fletcher v. Dorchester Mut. Ins. Co.,* 437 Mass. 544, 550 (2002) ("Where evidence has been destroyed or altered by persons who are parties to the litigation . . . and another party's ability to prosecute or defend the claim has been prejudiced as a result, we have held that a judge may exclude evidence to remedy that unfairness."); *Gath v. M/A-COM, Inc.*, 440 Mass. 482, 488 (2003) (summarizing available sanctions for spoliation).

Given all of this evidence, Plaintiffs cannot carry their burden at the second stage of the Anti-SLAPP analysis to establish that Ms. Read's statements were devoid of any reasonable factual support. Dismissal of Plaintiffs' claims against Ms. Read is therefore appropriate under the Anti-SLAPP statute.

II. Plaintiffs' Claims Do Not State a Claim for Relief and Should Be Dismissed Under Mass. R. Civ. P. 12(b)(6).

Even if the Court denies the Special Motion to Dismiss, Plaintiffs' claims should still be dismissed pursuant to Mass. R. Civ. P. 12(b)(6) for numerous reasons.

A. Count One – Defamation

Count One of the Complaint alleges defamation, which requires proof "that the defendant was [1] at fault for [2] the publication of a … [3] statement regarding the plaintiff, [4] capable of damaging the plaintiff's reputation in the community, which [5] either caused economic loss or is actionable without proof of economic loss." *Kilnapp Enters., Inc. v. Mass. State Auto. Dealers Ass'n,* 89 Mass. App. Ct. 212, 217 (2016).

1. The Complaint Does Not Comply with Mass. R. Civ. P. 8(a) Because It Does Not Specify the Allegedly Defamatory Statements.

Count One should be dismissed because Plaintiffs do not identify which statements made by Ms. Read allegedly constitute defamation. Instead, they state the "Complaint does not include each and every example of Read's and Kearney's defamatory statements and conduct." Complaint at 5 n.1. Count One itself does not identify any statements apart from the generic allegation that Ms. Read made "false statements asserting or reasonably understood to be asserting that the Plaintiffs were responsible for the murder of O'Keefe, and a coverup of their purported role in that murder." *Id.* ¶147. This vague pleading runs afoul of Mass. R. Civ. P. 8(a)'s short and plain statement requirement because it does not provide Ms. Read with notice of

the "basis" of Plaintiffs' claim against her. *See Colorio v. Marx*, 72 Mass. App. Ct. 382, 386 (2008) ("A complaint must, however, contain 'a short and plain statement of the claim,' which affords fair notice to the defendant of the basis and nature of the action against him." (citations omitted)).

The Complaint's vagueness makes it impossible to formulate a response to the allegations. For instance, the Complaint alleges that Ms. Read's alleged "defamation campaign" began on April 18, 2023, *see, e.g.*, Complaint ¶33. Yet, the Complaint also alleges that Ms. Read knowingly and falsely told police before her second arraignment[7] that Brian and Colin Albert beat up Mr. O'Keefe and that she was not responsible for his death. *See id.* ¶19. The Complaint also refers to statements made in a discovery motion filed by Ms. Read's attorney, which was forwarded to Mr. Kearney on April 12, 2023. *See id.* ¶¶28-31. If these statements are the allegedly defamatory statements underlying Count One, they are subject to dismissal because they were made more than three years prior to the Complaint's filing on April 16, 2023. *See* G.L. c. 260, §§2A and 4; *Harrington v. Costello*, 467 Mass. 720, 725 (2014) (defamation claim accrues when defamatory statement published to third party). The statements made in the discovery motion are also absolutely privileged under the litigation privilege. *See Correllas v. Viveiros*, 410 Mass. 314, 319 (1991) ("Statements made in the course of a judicial proceeding which pertain to that proceeding are, of course, absolutely privileged and cannot support a claim of defamation, even if uttered with malice or in bad faith."). The other statements by Ms. Read identified in the Complaint similarly do not constitute actionable defamation as explained *infra* Part II. A.2

[7] Ms. Read made the statement in June 2022.

However, apart from the statement listed in the Complaint, Ms. Read cannot fully respond to Count One to the extent it relies on other statements that are not included in the Complaint. For that reason, Count One should be dismissed because it does not provide a short, plain statement of the defamation claim.

2. Nearly All of Ms. Read's Actual Statements Listed in the Complaint Are Not Actionable Defamation as a Matter of Law.

As explained above, Count One cannot be premised on the June 2022 statement by Ms. Read and the April 12, 2023 statements made in the discovery motion filed in Norfolk Superior Court, because the claims would be untimely and barred by the absolute litigation privilege. Other statements by Ms. Read listed in the Complaint are also not actionable defamation.

a. Paragraph 49 – Statement about Albert testimony to grand jury

Paragraph 49 alleges that Ms. Read told Mr. Kearney through an intermediary that Brian Albert, and other non-Plaintiff members of the Albert family, testified to an investigating grand jury that Colin Albert was at the Alberts' house prior to O'Keefe's arrival. This statement, even if false, is not defamation. A defamatory statement is "one that discredits the plaintiff in the minds of any considerable and respectable segment in the community." *Barrows v. Wareham Fire Dist.,* 82 Mass. App. Ct. 623, 628 (2012). A statement that Brian Albert correctly told a grand jury that Colin Albert was at the Alberts' house does not discredit Brian Albert or injure his reputation.

b. Paragraph 50 – Statement about "feds" involvement

Paragraph 50 alleges that Ms. Read told Mr. Kearney through an intermediary that the "feds have been involved longer than anyone is likely guessing." This statement is not actionable because, even if false, it is not "of and concerning the plaintiff." *See Li v. Zeng,* 98 Mass. App. Ct. 743, 747 (2020). In other words, the statement does not refer to the Plaintiffs and no person could reasonably understand the statement referred to Plaintiffs. *See id.* In addition, the statement is not one of fact, but rather an opinion about the length of federal involvement. *See id.* ("Furthermore, to be actionable, the statement must be one of fact rather than opinion.").

c. Paragraph 51 – January 29, 2022 Voicemail Excerpt

Paragraph 51 implies that Ms. Read or her legal team provided an excerpt of a voicemail Ms. Read left Mr. O'Keefe the morning of January 29, 2022, which captured Ms. McCabe's call to 911. There is no allegation, however, that Ms. Read made any statement "of or concerning" Ms. McCabe or the other Plaintiffs, and no allegations that any statements in the voicemail were false or injurious to Plaintiffs' reputation.

d. Paragraph 58 – Yannetti text re HPO.

The next statement the Complaint attributes to Ms. Read or her lawyers is in Paragraph 58, which alleges that Mr. Read's attorney, Mr. Yannetti, texted Mr. Kearney that the Stoughton District Court had denied an *ex parte* harassment prevention order Ms. McCabe had sought against Mr. Kearney. This true statement cannot be defamation, *see Reilly v. AP*, 59 Mass. App. Ct. 764, 769 (2003) (holding that plaintiff must show statements in question "were capable of being proved false"), and also does not tend to discredit Ms. McCabe or injure her reputation.[8]

[8] The statement relaying the denial of the harassment prevention order is also privileged under the fair report privilege. *See Jones v. Taibbi*, 400 Mass. 786, 794 (1987) ("There is a well-established privilege to publish reports of judicial, legislative, or other official proceedings")

e. Paragraph 75 – Facebook Group Hosting and Posts.

Paragraph 75 alleges that Ms. Read was co-administrator of a Facebook group that "became a feeding ground for defamatory and harassing posts made regarding the Plaintiffs." But the paragraph does not allege what statements were made, when, and by whom, nor does it allege that Ms. Read was responsible for any of these third-party posts. If Ms. Read did not make or publish the unidentified statements, she did not defame Plaintiffs. *See Phelan v. May Department Stores Co.*, 443 Mass. 52, 56 (2004) (noting that to prevail on a defamation claim a plaintiff must establish that "the defendants published a false statement" (emphasis added)). To the extent Plaintiffs are alleging Ms. Read's administration of the Facebook group constitutes defamation, she is immune under Section 230 of the Communications Decency Act, 47 U.S.C. § 230(c)(1). "Courts analyzing and applying the CDA have consistently held that distributing, sharing, and forwarding content created and/or developed by a third party is conduct immunized by the CDA. *See Monge v. Univ. of Pa.,* No. 22-2942, 2023 U.S. Dist. LEXIS 40724, at *8 (E.D. Pa. Mar. 10, 2023) (collecting cases).

As for Ms. Read's own statements on the Facebook page, the Complaint does not allege any were false, just that she "shared confidential information regarding her criminal case that had not been previously known to the public." Complaint ¶75. The Complaint also does not allege that any of Ms. Read's Facebook posts concerned plaintiffs or injured their reputations. Without alleging these basic elements, any defamation claims premised on Ms. Read's unidentified Facebook posts fail as a matter of law.

f. Paragraph 115 – Statement by Jackson to Nightline.

Paragraph 115 alleges that Ms. Read's attorney, Mr. Jackson, said on an episode of ABC's IMPACT x Nightline show that "There are people in that house that are actually

responsible for his death, and who murdered him. And there are others in the house that are covering up that murder." It also alleges that Mr. Jackson said that Ms. McCabe knew Mr. O'Keefe was murdered in the house and that his body was placed outside. *See id.* Any defamation claim premised on these statements should be dismissed.

The Complaint does not allege Ms. Read is vicariously liable for her attorney's statements. Even if it did, "a principal's vicarious liability turns on whether the agent is liable." *Green v. Cosby,* 138 F. Supp. 3d 114, 138 (D. Mass. 2015). Thus, the Complaint must plead that Mr. Jackson is liable for defamation, which requires an allegation he was at fault. *See id.* at 139. The Complaint does not allege any fault on Mr. Jackson's part, whether negligence, recklessness, or knowledge of falsity. Thus, the Complaint does not sufficiently allege Jackson's liability for defamation, and therefore, fails to allege Ms. Read is vicariously liable for Mr. Jackson's statements.

g. Paragraph 130 – Statement on January 12, 2026 Podcast.

Paragraph 130 of the Complaint alleges that Ms. Read told the Rotten Mango podcast that Mr. O'Keefe entered the Alberts' house and that "someone in that house killed John O'Keefe." These statements do not support a defamation claim because they are not "of and concerning" any individual Plaintiff. Instead, the statements are made generally about the group of people at the house, only some of whom were the Plaintiffs.

Defamation does not lie when a statement is made about a group, unless the size of the group or the context of the statement would make it reasonably understood the statement referred to the individual plaintiff. *See HipSaver, Inc. v. Kiel*, 464 Mass. 517, 528 (2013). There can be actionable defamation when "a defamatory statement applies to all members of a small group" or when the statement refers to multiple members of a small group. *See Arcand v. Evening Call*

Pub. Co., 567 F.2d 1163, 1164 (1st Cir. 1977) (emphasis added); *id.* at 1165 ("That is, the defamation, encompassing a considerable proportion of the group, can be seen as a blanket slur, reaching all."). Here, however, the statement is only about a single unnamed individual in a group, which does not support an inference the statement referred to an individual member of the group. *See id.* ("But we have discovered no case where a group libel, justifying suit by all members, was held to arise from a slur against one unidentified member.").

B. The Aiding and Abetting and Civil Conspiracy Counts (Three, Six, Nine, and Ten) Should Be Dismissed Because the Complaint Does Not Allege How Ms. Read Substantially Assisted Mr. Kearney Other than Making Privileged Statements.

Counts Three, Six and Nine allege that Ms. Read aided and abetted Mr. Kearney's defamation, intentional infliction of emotional distress, and negligent infliction of emotional distress. To make out a claim against Ms. Read for aiding and abetting Mr. Kearney's tortious conduct Plaintiffs must plead and prove that "(1) that [Mr. Kearney] committed the relevant tort; (2) that Ms. Read knew he was committing the tort; and (3) that [Ms. Read] actively participated in or substantially assisted in his commission of the tort." *Go-Best Assets, Ltd. v. Citizens Bank*, 463 Mass. 50, 64 (2012).

The civil conspiracy claim (Count Ten) has similar elements. There are two types of civil conspiracy. The first is a "very limited cause of action" that arises when the "defendants, acting in unison, had some peculiar power of coercion over plaintiff that they would not have had if they had been acting independently." *Aetna Cas. Sur. Co. v. P & B Autobody,* 43 F.3d 1546, 1563 (1st Cir. 1994). Plaintiffs do not allege this type of coercive conspiracy. Instead, they allege a "concerted action" conspiracy, in which "liability is imposed on one individual for the tort of another." *Kurker v. Hill*, 44 Mass. App. Ct. 184, 188(1998). This type of conspiracy, like an aiding and abetting claim, requires Plaintiffs to plead Ms. Read knew that Mr. Kearney's

conduct "constitute[d] a breach of duty and g[ave] substantial assistance or encouragement." Id. at 189.[9] Both types of claims, the aiding and abetting claims and the civil conspiracy claim, must be dismissed for two reasons.

First, Ms. Read cannot be held liable for aiding and abetting (or conspiring to assist) Mr. Kearney's tortious activity if he did not commit a tort. As explained in Mr. Mr. Kearney's Motion to Dismiss, the tort counts against him do not state a claim. *See* pp. 10-13 of *Defendant Aidan Kearney's Memorandum of Law in Support of His Partial Motion to Dismiss Pursuant to Mass. R. Civ. P. 12(b)(6).*

Second, the Complaint does not allege substantial assistance that would support aiding and abetting or conspiracy claims. The Complaint alleges that Ms. Read "substantially assiste[ed] and encourage[ed]" Mr. Kearney by when she "continuously and intentionally provided Defendant Mr. Kearney with non-public and/or confidential information about her criminal case," *id.* ¶¶170, 193, 209, and by "funnel[ing] information and false statements to Mr. Kearney," *id.* ¶213. Neither of these actions constitutes "substantial assistance" for Mr. Kearney's alleged torts.

With respect to sharing non-public information and as discussed above, the only alleged non-public/confidential information shared was (1) Read's April 12, 2023 discovery motion, which had "non-public documents" attached to it, *see id.* ¶28, (2) statements about the Alberts' grand jury testimony, *id.* ¶49, (3) a statement that "feds have been involved longer than anyone is likely guessing," *id.* ¶50, (4) an audio file of Ms. McCabe's 911 call, *id.* ¶51, and (5) the denial of Ms. McCabe's *ex parte* harassment prevention order, *id.* ¶58.

[9] Both civil conspiracy claims and aiding and abetting claims in Massachusetts are based on Section 876(b) of the Second Restatement. *See Go-Best Assets, Ltd. v. Citizens Bank*, 463 Mass. 50, 64, 9 (2012) (citing Section 876(b) for elements of aiding and abetting); *Kurker v. Hill*, 44 Mass. App. Ct. 184, 189 (1998) (citing Section 876(b) for elements of civil conspiracy).

All three aiding and abetting counts are based on the theory that sharing these pieces of non-public/confidential information, helped Mr. Mr. Kearney spread the alleged false statements that Plaintiffs killed Mr. O'Keefe and then sought to cover it up. The Complaint does not allege, however, how sharing such information provided any assistance to Mr. Kearney to lie about Plaintiffs. Other than the April 12, 2023 discovery motion, none of these alleged sources of confidential information stated or implied that Plaintiffs were responsible for O'Keefe's death and thus did not support or encourage Mr. Kearney's allegedly defamatory statements that Plaintiffs killed Mr. O'Keefe and covered it up.

While the discovery motion did name Brian and Colin Albert as responsible for Mr. O'Keefe's death (and Ms. McCabe for covering it up), Ms. Read is *absolutely immune* under the litigation privilege for statements made in the motion. *See Acres Bonusing, Inc v. Ramsey*, No. 19-cv-05418-WHO, 2022 U.S. Dist. LEXIS 211688, at *66 (N.D. Cal. Nov. 22, 2022) (dismissing aiding and abetting claims premised on statements and conduct protected under litigation privilege). For the same reason, the allegation that Ms. Read "funnel[ed] . . . false statements to Mr. Kearney," Complaint ¶213, does not support the civil conspiracy claim. The Complaint's only allegation that Ms. Read "funneled" false statements to Mr. Kearney was sharing the publicly-filed discovery motion. *See id.* ¶31. But Ms. Read is immune from claims premised on her privileged statements made in the motion.

C. Counts Five and Nine – IIED and NIED

Counts Five and Nine assert claims for intentional and negligent infliction of emotional distress, respectively. Both claims are based on Ms. Read's alleged "campaign of outrageous and false statements." *See* Complaint ¶¶173, 196. The claims are thus based on Ms. Read's allegedly false statements. However, "defamatory statements cannot, as a matter of law, satisfy

the extreme and outrageous conduct requirement of the IIED claim." *Ayyadurai v. Floor64, Inc.*, 270 F. Supp. 3d 343, 370 (D. Mass. 2017) (quotation and alteration omitted)).

Moreover, even if Plaintiffs could maintain emotional distress claims based on defamatory statements, because the defamation claims based on those statements fail in this case, the emotional distress claims should also fail. *See Soto-Lebron v. Fed. Express Corp.,* 538 F.3d 45, 58 (1st Cir. 2008) (holding that claim based on false statements "cannot be brought in the guise of an IIED claim, which would divorce it from the well-developed law of defamation with its attendant privileges and defenses").

In particular, the statements Ms. Read made to the police in June 2022 and in the April 12, 2023 discovery motion, *see* Complaint ¶¶19, 27, are protected by the litigation privilege. *See Correllas v. Viveiros*, 410 Mass. 314, 324, 572 N.E.2d 7, 13 (1991) ("Because the statements which form the basis of Correllas's claim for intentional infliction of emotional distress were made in circumstances rendering them absolutely privileged, that claim must also fail. A privilege which protected an individual from liability for defamation would be of little value if the individual were subject to liability under a different theory of tort.").

Similarly, the statements referred to in Paragraphs 49, 50, 51, and 58 (about the Alberts' testimony to a grand jury, the "feds" involvement, a voicemail excerpt containing Ms. McCabe's 911 call, and the denial of Ms. McCabe's *ex parte* harassment prevention order) do not injure the Alberts' reputation and thus cannot constitute extreme and outrageous conduct for purposes of an IIED claim. *See Bowman v. Worcester Telegram & Gazette*, 6 Mass. L. Rep. 324 (Worcester Sup. Ct. 1996) ("The publishing of an opinion letter in a Letters to the Editor column which is neither false nor defamatory is not outrageous conduct of the newspaper."). Similarly, because these statements are not injurious to Plaintiffs' reputation, no "reasonable person would have

suffered emotional distress" as required for an NIED claim. *See Kelso v. Kelso*, 86 Mass. App. Ct. 226, 232 n.12 (2014).

Likewise, the statements of Facebook posters and Attorney Jackson in Paragraphs 75 and 115 cannot constitute IIED, which requires "that the actor intended to inflict emotional distress or that he knew or should have known that emotional distress was the likely result of **his** conduct." *Howell v. Enter. Publ'g Co., LLC,* 455 Mass. 641, 672 (2010) (emphasis added). They also cannot underlie an NIED claim, which requires that the claimed harm result from Ms. Read's alleged negligent conduct not the alleged defamatory statements of third parties. *See Restatement (Second) of Torts § 432 (1)* ("[T]he actor's negligent conduct is not a substantial factor in bringing about harm to another if the harm would have been sustained even if the actor had not been negligent.")

Finally, the statement made to the Rotten Mango podcast that "someone in that house killed John O'Keefe," Complaint ¶130, does not support emotional distress claims because, as argued above, the statement does not identify a particular individual and thus are not defamatory as to any of them.[10]

[10] Count Four, the IIED count, also seems to base the claim on the allegation that Ms. Read "hired a private investigator previously associated with Harvey Weinstein." Complaint ¶175. That conduct cannot form the basis for an IIED claim for two reasons. First, hiring a private investigator to interview potential witnesses is protected by the absolute litigation privilege. *See Goodman v. Goodman*, 226 N.E.3d 704, 712 (Ill. App. 2023) (affirming dismissal of IIED claim based on hiring private investigator). Second, the mere act of hiring a private investigator does not amount to extreme and outrageous conduct, especially where the Complaint does not allege the investigator engaged in harassment or other improper behavior. Here, the Complaint only alleges that the private investigator attempted to interview Plaintiff Higgins once and was rebuffed. *See* Complaint ¶¶68-69. There is no allegation of an invasion of privacy, no allegation of illegal conduct, and no allegation that Higgins suffered any negative effects from refusing to speak to the private investigator. Given that Higgins is a law enforcement officer, presumably used to hostile interviews, the mere attempt to talk to him is not conduct "so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community." *See Restatement (Second) of Torts § 46 cmt. d.*

CONCLUSION

For the foregoing reasons, Defendant Karen Read respectfully requests that the Court allow her motion to dismiss, and she be awarded her reasonable attorney's fees and costs.

Respectfully submitted,

KAREN READ,

By her attorneys,

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Date: June 23, 2026

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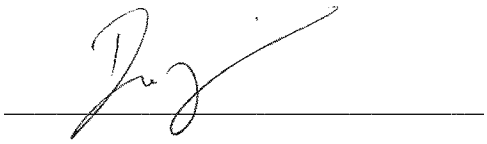
Superior Court - Plymouth
Docket Number 2683CV00541

CERTIFICATE OF SERVICE

I, Damon M. Seligson, hereby certify that I served a copy of this pleading on all counsel of record by electronic mail on this 23rd day of June, 2026.



Date Filed 7/7/2026 4:48 PM
Superior Court - Plymouth
Docket Number 2683CV00541

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, ss.

SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO.: 2672CV00125

JENNIFER McCABE; BRIAN ALBERT; COLIN ALBERT; and BRIAN HIGGINS,

Plaintiffs,

v.

KAREN READ and AIDAN KEARNEY

Defendants.

AFFIDAVIT OF KAREN READ

I, Karen Read, on my oath, hereby do declare and attest as follows:

1. I am over eighteen years of age.

2. I submit this affidavit on personal knowledge in support of my Special Motion to Dismiss Pursuant to the Anti-SLAPP Law c. 231, § 59H, and Motion to Dismiss Pursuant to Mass. R. Civ. P. 12(b)(6).

3. I was acquitted by a jury of all criminal charges relating to the death of John O'Keefe III after a full and public trial that exposed pervasive investigative misconduct and corruption.

4. I did not cause, and am not responsible for, Mr. O'Keefe's death.

5. I did not strike Mr. O'Keefe with my car.

6. I dropped Mr. O'Keefe off at 34 Fairview Road in Canton, Massachusetts, and contrary to what the Commonwealth claimed in my criminal trial, and what the Defendants now

assert, Mr. O'Keefe and I did not have an altercation before I dropped him off at the Alberts' house. He did not have any injuries when I dropped him off.

7. Additionally, a Ford Edge was not present when I dropped off Mr. O'Keefe.

8. Prior to my arraignment, I stated to the investigating officers that Brian and Colin Albert beat up Mr. O'Keefe.

9. My statement to the investigating officers was released to the public during a judicial hearing in April 2024.

10. During the Commonwealth's prosecution of me, I stated in a discovery motion that Brian and Colin Albert were responsible for Mr. O'Keefe's death and that Ms. McCabe was the "mastermind" who covered it up. This statement was not motivated by any commercial objectives. Rather, when I shared the motion with Mr. Kearney, I hoped he would publicize it so that the public at large would understand that I had been framed, and in order to pressure the Commonwealth to drop its prosecution of me and instead prosecute the true perpetrators.

11. My statements to reporters that Ms. McCabe had perjured herself during her trial testimony in my second trial were made on the courthouse steps immediately after the conclusion of that day's proceedings. At trial that day, Ms. McCabe had admitted to lying to FBI agents in the Spring of 2023. She misidentified herself and she lied about whom she called while agents were waiting outside her house.

12. The purpose of making such statements to reporters outside court was to widely disseminate to the public my belief that the McCabes, the Alberts, and Higgins were responsible for Mr. O'Keefe's death, which formed a significant portion of my criminal defense. The goal was to galvanize public support and to put pressure on the Norfolk County District Attorney's office to drop the prosecution, or to refrain from a second retrial in the case of another mistrial.

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13. This same belief is the subject of my pending civil litigation against the Plaintiffs and others.

14. On January 12, 2026, I appeared on a podcast called "Rotten Mango" which has in excess of six (6) million subscribers on YouTube.

15. My statements on the Rotten Mango podcast – that Mr. O'Keefe entered the Alberts' house; that he was severely injured in the house; and that someone within killed him – related to the pending wrongful death lawsuit filed against me in Plymouth Superior Court by Mr. O'Keefe's estate and his family members, in which I have made the exact same allegations in pleadings and under oath, and they were intended to support my defense. These statements in my pleadings and sworn testimony in the wrongful death action – and echoed in my public statements – were intended to persuade any judge or fact-finder that I should not be held liable for Mr. O'Keefe's death. My statements were also intended to convince the O'Keefe family that it had sued the wrong party and should drop its suit.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY ON June 18, 2026, 2026.

K Read

KAREN READ

Dated: June 18, 2026

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss. SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO.: 2683CV00541

JENNIFER McCABE; BRIAN ALBERT; COLIN ALBERT; and BRIAN HIGGINS,

Plaintiffs,

v.

KAREN READ and AIDAN KEARNEY,

Defendants.

PLAINTIFFS' OPPOSITION TO DEFENDANT KAREN READ'S SPECIAL MOTION TO DISMISS PURSUANT TO THE MASSACHUSETTS ANTI-SLAPP STATUTE, G. L. c. 231, § 59h, AND MOTION TO DISMISS PURSUANT TO MASS R. CIV. P. 12(b)(6)

Defendant Karen Read's ("Read") Motion to Dismiss ("Mot.") should be denied at the threshold because it is not directed to the operative complaint. Plaintiffs Jennifer McCabe, Brian Albert, Colin Albert, and Brian Higgins ("Plaintiffs") filed the First Amended Complaint on June 5, 2026, adding detailed allegations concerning Read's defamatory statements and conduct, including statements Read personally made during recorded interviews with Terry Dunn Meurer and her production team. *See* Paper No. 22 ("AC") ¶¶ 1, 91-99, 120-123, 146-226. Read's Motion nevertheless is directed to the inoperative superseded pleading: it uses the former Barnstable caption, cites obsolete paragraphs and count numbers, and fails entirely to address the AC's new allegations. Contrary to Read's anticipated position on this issue, that defect is not cosmetic.

Read's procedural and substantive misfire matters because the Meurer allegations—wherein Read accused Plaintiffs of being first degree murderers and participants in Officer John O'Keefe's ("O'Keefe") killing—are now central to Plaintiffs' direct defamation claim against her and to Plaintiffs' theory that Read knowingly participated in a coordinated campaign to destroy Plaintiffs' reputations. *See* Mot. at 2-3, 7-8; AC ¶¶ 91-99, 147-153, 175. A motion that ignores the operative pleading cannot carry Read's burden under either Mass. R. Civ. P. 12(b)(6) or the anti-SLAPP statute.

On the merits, the AC alleges a straightforward and deeply damaging course of misconduct. Plaintiffs allege that Read struck O'Keefe with the back of her Lexus SUV while intoxicated, made repeated admissions at the scene that she had hit him, and later abandoned those admissions in favor of a public-relations strategy that falsely blamed Plaintiffs for O'Keefe's death. AC ¶¶ 7, 16-20. Plaintiffs further allege that Read enlisted Defendant Aidan Kearney ("Kearney") as a public mouthpiece; used intermediaries, counsel, and encrypted communications to feed him nonpublic information and defamatory narratives; praised his publications; coordinated with him around

court proceedings and media events; and celebrated the resulting damage to Plaintiffs' reputations and to her own jury pool. *Id.* ¶¶ 22-40, 47-58, 74-75. The result, as pleaded, was not constitutionally protected petitioning; it was a multi-year campaign of defamation, harassment, intimidation, and destruction aimed at witnesses in Read's criminal case and sustained for profit, publicity, and litigation advantage. *Id.* ¶¶ 1-3, 142-145, 147-153, 173-180, 211-216.

For the following reasons, Read's motion must be denied.

I. BACKGROUND

A. Procedural History

Plaintiffs commenced this action on April 16, 2026, in Barnstable County Superior Court, alleging that Read and Kearney orchestrated a multi-year campaign to defame, harass, and torment Plaintiffs by falsely asserting that they were responsible for O'Keefe's death and a coverup. After the case was transferred to Plymouth Superior Court on May 27, 2026, Plaintiffs filed and served the operative AC on June 5, 2026. The AC amended the initial complaint in numerous material ways. Yet, on June 18, 2026, Read served a purported special motion to dismiss and Rule 12(b)(6) motion directed not to that operative pleading, but to the superseded complaint: the motion failed entirely to respond to a series of new allegations made against Read, used the old case caption, and referenced non-operative count numbers and citations. *See* Declaration of Kieran T. Murphy in Support of Opposition ("Murphy Decl."), Ex. A.

Only after Plaintiffs inquired of Read's counsel about Read's failure to respond to the AC did Read serve a revised motion on June 23, 2026, captioned in Plymouth County and keyed to the AC's paragraph and count numbers. That belated filing did not cure the Rule 9A defect; it merely preserved the same substantive attack while swapping in new citations. Read's June 23 motion was untimely under Rule 9A, Plaintiffs never consented to its service and Plaintiffs put Read's counsel on notice that their inclusion of the June 23 motion in the instant package would

violate Rule 9A. *See* Murphy Decl., Ex. B.[1] Read should not be permitted to deflect the Court's attention from the massive procedural and substantive deficiencies that she answered the wrong pleading by re-serving, after the deadline, a cosmetically corrected motion that merely changes citations and count references.

B. Factual Allegations

Plaintiffs were key witnesses in connection with the Commonwealth's investigation into O'Keefe's death and Read's prosecution. AC ¶¶ 9-12. The AC alleges that, on January 29, 2022, Read struck O'Keefe with the back of her Lexus SUV while driving drunk, left him incapacitated in freezing conditions on the front lawn of 34 Fairview Road in Canton, and repeatedly told first responders, "I hit him. I hit him. I hit him." *Id.* ¶ 16. Read was later indicted for second-degree murder, manslaughter while operating under the influence, and leaving the scene of an accident resulting in death. After a mistrial in 2024, she was re-tried in 2025, convicted of operating under the influence, and acquitted of the remaining charges. *Id.* ¶ 7.

Plaintiffs allege that Read initially confessed that she was responsible for O'Keefe's death but later changed course and began falsely accusing others. *Id.* ¶¶ 16-20. According to the AC, before her June 2022 arraignment, Read falsely claimed that O'Keefe had been "beaten up by Brian and Colin Albert," even though she knew that accusation was false because she knew she had hit O'Keefe with her vehicle. *Id.* ¶¶ 19-20.

Plaintiffs further allege that Read later enlisted Kearney to disseminate and amplify a false narrative that Plaintiffs murdered O'Keefe, covered up the murder, and framed Read. *Id.* ¶¶ 8, 22-25. Read used an intermediary and counsel to conceal her relationship with Kearney and preserve

[1] Moreover, Read never initiated a Rule 9C conference prior to filing this Motion package.

plausible deniability, while feeding Kearney nonpublic information and lies to publish on her behalf. *Id.* ¶¶ 23-25.

The AC describes the public launch of the defamation campaign in April 2023, when Read filed a discovery motion falsely accusing Brian Albert and Colin Albert of responsibility for O'Keefe's death and McCabe of being the "mastermind" of a coverup. *Id.* ¶ 27. Read attached an unredacted incident report containing Plaintiffs' private addresses, cellphone numbers, and social security numbers, and forwarded the filing to Kearney through an intermediary so he could publish the accusations and foment harassment. *Id.* ¶¶ 28-32. Kearney's defamatory "Canton Coverup" posts followed, and the coordination continued throughout 2023, including in-person meetings, encrypted communications, and over 189 phone calls between Read and Kearney. *Id.* ¶¶ 32-60.

In Kearney's initial posts, he stated that Brian Albert and Colin Albert were capable of killing O'Keefe, that Colin Albert had motive, that McCabe was the "quarterback of the coverup," and that McCabe could not have covered up the murder without law enforcement assistance. *Id.* ¶ 33. Kearney claimed there was "a mountain of evidence" that O'Keefe was killed by Brian Albert, Colin Albert, and possibly others, and that those statements were based on sources that were, in reality, Read and her legal team. *Id.* ¶¶ 33-34. Thereafter, Kearney's audience "exploded," giving Read a larger platform for her defamatory narrative. *Id.* ¶¶ 35-36.

Kearney used phone numbers made public through Read's filing, which he received from Read, to call McCabe and Brian Albert during a broadcast and accuse them of a coverup, and he left Brian Albert a voicemail asking whether Brian Albert or Colin Albert killed O'Keefe and whether Brian Albert was covering for Colin. *Id.* ¶ 37. Kearney also displayed the incident report containing Plaintiffs' personal identifying information, after which Plaintiffs began experiencing

disturbing levels of harassment. *Id.* ¶¶ 38-39. Minutes after that broadcast, Read's attorney, David Yannetti, congratulated Kearney by text, writing that it was a "GREAT f*cking show." *Id.* ¶ 40.

The coordination continued during 2023. On April 23, 2023, Read falsely told Kearney through an intermediary that certain witnesses had testified to a grand jury that Colin Albert was present at 34 Fairview after O'Keefe arrived, while also stating that she could not send grand-jury testimony because it was sealed. *Id.* ¶ 49. That same day, Read told Kearney that "the feds have been involved longer than anyone is likely guessing," even though the federal investigation into O'Keefe's death was not public information. *Id.* ¶ 50. In December 2023, Kearney published audio recovered from O'Keefe's phone that only the Commonwealth, Read, and Read's legal team possessed at the time. *Id.* ¶ 51.

Read and Kearney later communicated directly, including through Signal, and exchanged more than 189 calls totaling more than 40 hours in 2023 alone. *Id.* ¶ 52. Read and her lawyers also met with Kearney in person to coordinate extrajudicial publications with Read's litigation and media strategy. *Id.* ¶ 53. After a May 3, 2023 meeting with Read and her counsel, Kearney published a video stating that O'Keefe was murdered by Brian Albert, Colin Albert, the dog, and "every other single person in that house," which included McCabe and Higgins. *Id.* ¶ 54. Kearney later accused McCabe and Brian Albert of involvement and coverup, called the McCabes "evil," and asserted that millions of people knew they had participated in O'Keefe's murder and coverup. *Id.* ¶ 56. Read's counsel then appeared on courthouse steps and stated that Brian Albert, McCabe, and everyone else in the house had "some level of involvement." *Id.* ¶ 57.

Read continuously expressed her approval of the reputational damage caused by Kearney's publications. AC ¶ 74. On September 29, 2023, Read messaged Kearney: "Look at what you've done to their reputations!! ***And to MY jury pool!*** Chris [Albert]'s business is the next casualty."

Id. ¶ 74 (emphasis added). Around the same time, Read and Kearney became administrators of a Facebook group that became a forum for defamatory and harassing posts about Plaintiffs, and Read posted confidential criminal-case information there. *Id.* ¶ 75.

The AC also alleges that Read made egregious defamatory statements during interviews with documentarian Terry Dunn Meurer. *Id.* ¶¶ 91-99. During her first criminal trial, Read authorized Meurer to record her trial preparation, including interviews with Read, her attorneys, and her family, as well as conversations among Read and her counsel. *Id.* ¶ 91. On April 12, 2024, in Read's presence, her attorney, Alan Jackson, verified to Meurer and production assistants that Read had told police, "Brian Albert, Colin Albert beat up John. My taillight was cracked when John was pulverized," and Read did not deny having made those statements. *Id.* ¶ 92.

On or about April 30, 2024, Read told Meurer that McCabe "got herself into . . . a bad mess that night and she helped clean it up," that McCabe "knew John was dying and she helped expedite it," and that McCabe was "a ***first-degree murderer***." *Id.* ¶ 93 (emphasis added). In the same interview, Read stated that Plaintiffs were "being federally investigated," that "they know they killed John," and that she could not have sympathy for the witnesses because "[t]hey're murderers." *Id.* ¶¶ 94-95. On June 15, 2024, Read told Meurer that Higgins, Brian Albert, and Colin Albert had motives to kill O'Keefe and suggested that O'Keefe could have been struck during an escalating altercation inside 34 Fairview. *Id.* ¶ 96. On June 22, 2024, Read stated that she knew Higgins had a role in helping kill O'Keefe, helping get him into the snow, and helping frame Read, while also stating that Brian Albert and Colin Albert would have "enjoyed roughing John up." *Id.* ¶ 97. When Meurer raised the possibility that Read could be sued for making such strong statements about Colin Albert, Read responded that, if Colin could prove she was lying and that the statements were defamatory, he could sue her. *Id.* ¶ 98. Plaintiffs allege that Read made

those statements knowing they were false and knowing Plaintiffs had nothing to do with O'Keefe's death. *Id.* ¶ 99.

Read's defamatory statements did not stop there. During her 2025 retrial, Read told reporters that McCabe's testimony was "another instance of perjury" and that McCabe was "lying." *Id.* ¶ 120. Read knew those statements were false. *Id.* ¶ 122. During that retrial, the prosecution presented footage in which Read acknowledged the possibility that she had run over or clipped O'Keefe and that she might have some culpability as a result. *Id.* Read later stated that O'Keefe entered 34 Fairview and "met his demise," and that "someone in that house killed John O'Keefe," referring to Plaintiffs. *Id.* ¶ 130.

The harm to Plaintiffs was severe and sustained. Every day since April 18, 2023, Plaintiffs and their families have been harassed and tormented because of Read and Kearney's unlawful conspiracy. *Id.* ¶ 142. Plaintiffs have become prisoners in their own communities, besieged by people who accepted Read's and Kearney's lies that Plaintiffs are murderers. *Id.* Plaintiffs have faced physical confrontations and harassment at their homes, businesses, and children's activities; sustained a barrage of online abuse; and were harassed while appearing in court as witnesses. *Id.* ¶ 144. The harassment became so extreme that the criminal trial judge ordered a courthouse buffer zone, while Kearney and his followers chanted "COP KILLERS" as Plaintiffs walked by. *Id.*

The AC's claims rest on allegations that Read directly, and through Kearney, falsely accused Plaintiffs of murdering O'Keefe and participating in a conspiracy to murder him and cover up his death. *Id.* ¶¶ 147-154, 169-171, 192-194, 196-200, 208-210, 212-216. Plaintiffs allege those statements were defamatory *per se* because they accused Plaintiffs of heinous criminal conduct and were made negligently, knowingly, or with reckless disregard for the truth. *Id.* ¶¶ 148-153.

Read's motion does not answer these allegations as pleaded in the AC. The motion lists only a "handful" of Read's statements from the earlier pleading and seeks dismissal based on count numbers and paragraph citations that do not match the AC. *See* Mot. at 3-4, 7-14, 19-29. Most significantly, although the AC alleges for the first time Read's direct statements to Meurer in paragraphs 91 through 99, Read's motion does not include those statements in its description of the defamatory statements at issue and does not argue why those allegations fail under Rule 12(b)(6) or the anti-SLAPP statute. *Id.* That omission is a dispositive concession and confirms that the motion should be denied.

II. ARGUMENT

A. Read's Special Motion to Dismiss Pursuant to G.L. c. 231, § 59H Must Be Denied.

The anti-SLAPP "special motion to dismiss is a strong medicine." *Bristol Asphalt, Co., Inc. v. Rochester Bituminous Products, Inc.*, 493 Mass. 539, 555 (2024). Offering "powerful procedural protections," the statute is only to be "employed in a limited context." *Id.* Because of its limited nature, the Supreme Judicial Court ("SJC") recently returned to the "necessarily narrow and strict construction of" G.L. c. 231, § 59H outlined in *Duracraft Corp. v. Holmes Products Corp.*, 472 Mass. 156 (1998), "requir[ing] courts to proceed cautiously" when considering anti-SLAPP special motions to dismiss. *Id.* at 554. Throughout its analysis, "the court shall consider the pleadings and supporting and opposing affidavits stating the facts upon which the liability or defense is based." G.L .c. 231, § 59H. The standard of review is "fundamentally different from a Rule 12 motion because it incorporates additional fact-finding beyond the facts alleged in the pleadings." *Sheehan v. Town of Carver, MA,* 2026 WL 821889 at *7 (D. Mass. Mar. 25, 2026) (quoting *S. Middlesex Opportunity Council, Inc. v. Town of Framingham*, 2008 WL 4595369 at *10 (D. Mass. Sep. 30, 2008)) (internal quotations omitted).

For her special motion to dismiss to survive the first stage of the court's analysis, Read "must show that the challenged count has no substantial basis in conduct other than or in addition to [her] alleged petitioning activity." *Bristol Asphalt*, 493 Mass. at 555-56. If she "cannot make the requisite threshold showing, the special motion to dismiss is denied. If the threshold showing is made, the second stage of analysis follows." *Id.* at 556. Courts cannot "parse the factual allegations underlying each claim to determine whether a portion of the [Plaintiff's] cause of action could be construed as being based on [Read's] petitioning alone." *Id.* If this court were to determine that ***even part*** of a claim is based on Read's "substantial conduct other than or in addition to the petitioning activities," the special motion to dismiss must be denied as to that claim. *See Hanamura v. Newton*, 104 Mass. App. Ct. 1108, at *4 (2024) (unpublished) (quoting *Bristol Asphalt,* 493 Mass. at 554-556); *see also Ehrlich v. Stern*, 74 Mass. App. Ct. 531, 536-37 (2009) (citing *Duracraft*, 472 Mass. at 167-68) ("[T]he anti-SLAPP inquiry produces an all or nothing result as to each count . . . and the statute does not create a process for parsing counts to segregate components that can proceed from those that cannot.").

If the court reaches the second stage of analysis, Plaintiffs must show that Read's exercise of her right to petition "was devoid of any reasonable factual support or any arguable basis in law" and "caused actual injury to the [special motion opponent]." *Bristol Asphalt*, 493 Mass. at 557 (quoting G.L. c. 231, § 59H).

Mixed claims "based on a proponent's petitioning along with substantial conduct other than or in addition to the petitioning activities, inevitably involve an inquiry into both sides' legitimate petitioning rights." *Id.* at 555. Thus, unless Read can show that her activity was for the purpose of petitioning *alone*, which she cannot, "the parsing of claims involving a mixture of petitioning and other matters is best addressed in the course of ordinary litigation, where both

sides' claims and defenses can be fully analyzed based on a more complete record, not special motions to dismiss." *Id.* For the following reasons, this special motion to dismiss must be denied.

i. Plaintiffs' Claims Against Read Are Not Based on Petitioning Activity Alone.

The AC alleges extensive non-petitioning activity undertaken by Read, including allegations that her Motion fails to address at all. That non-petitioning activity, which Read largely ignores, includes, but, is not limited to, (1) defamatory statements to a documentarian, (2) a course of defamatory, harassing, and intimidating conduct that she jointly pursued with Kearney, (3) defamatory statements that McCabe committed perjury, and (4) defamatory statements that the Plaintiffs murdered O'Keefe. Some of this non-petitioning activity was criminal in nature. In *post hoc* fashion, Read now offers a subjective, self-serving motive for her defamatory conduct that should not be considered by this Court.

a) Read Failed to Object to the Operative Complaint.

Read's Motion incorrectly asserts that Plaintiffs identify only "a handful of allegedly false statements by Ms. Read about Plaintiffs," Mot. at 7. Among the many allegations that Read ignores are the newly pleaded statements Read made to Meurer. *See generally,* Mot.; AC ¶¶ 91-99. Those allegations include direct accusations that McCabe "[is] a first-degree murderer," *id.* ¶ 93, that Plaintiffs "know they killed John," *id.* ¶ 94, that Plaintiffs are "murderers . . . and they know it," *id.* ¶ 95, and that Plaintiffs' played a role in O'Keefe's death, *id.* ¶¶ 96-97. Read even asked Colin Albert to sue her if her actions were defamatory. *Id.* ¶ 98. These allegations are central to the AC and are ignored by Read's Motion.

Having failed to address the operative allegations, Read has waived any request to dismiss the AC. *See, e.g.*, *Yong Li v. Huffman*, 2012 WL 462828, at *1 (D. Mass. Jan. 3, 2012) (citing *ConnectU LLC v. Zuckerberg*, 522 F.3d 82, 91 (1st Cir. 2008)) ("[P]leadings directed to the earlier

complaint are a nullity. A defendant must file a pleading in response to the amended complaint."); Charles Alan Wright & Arthur R. Miller, 6 Fed. Prac. & Proc. § 1476 (3d ed. 2005) ("[I]f the first complaint is considered superseded . . . the court is not required to dismiss the suit when a motion points [to] the weaknesses of the earlier pleading.").[2]

b) The AC Alleges That Read Engaged in Non-Petitioning Activity and Read Fails to Demonstrate Otherwise.

Fundamentally, Read's argument rests on the false premise that a criminal defendant may falsely accuse others of murder (and surreptitiously conspire to do so) with impunity by later arguing that it was all petitioning activity. Of course, Read is incorrect. *See Burley v. Comets Cmty. Youth Ctr., Inc.,* 75 Mass. App. Ct. 818, 823 (2009) (reasoning defamatory statements made to members of public and not intended to "facilitate further consideration and response by the police" do not constitute petitioning activity); *O'Gara v. St. Germain*, 91 Mass. App. Ct. 490, 495–96 (2017) (explaining protections covered by G.L. c. 231, § 59H are limited to expressions "in which a party seeks some redress from the government"); *Glob. NAPS, Inc. v. Verizon New England, Inc.,* 63 Mass. App. Ct. 600, 607 (2005) (holding the statute "does not protect tangential statements intended, at most, to influence public opinion in a general way unrelated to governmental involvement"). She cites no authority for this proposition, which would overturn centuries of defamation law in this country. *See Draghetti v. Chmielewski*, 416 Mass. 808, 812 (1994) ("Imputation of a crime is defamatory per se."); *Stone v. Essex Cty. Newspapers, Inc.*, 367 Mass. 849, 853 (1974) (same); *Friedman v. Connors*, 292 Mass. 371, 374 (1935) (same).

Moreover, the AC expansively alleges that Read pursued a course of conduct that did not seek redress from any governmental authority but, rather, harassed, intimidated, and defamed

[2] And Read cannot raise new arguments through her reply. *See, e.g., Com. v. McGowan*, 400 Mass. 385, 390 n.4 (1987) ("We need not pass on grounds . . . raised for the first time in a reply brief.").

private individuals in service of Read's personal interests. Simply put, Read's years long campaign to defame and intimidate witnesses in the prosecution against her, which included defamatory statements to a documentarian and others, her use of Kearney and others to launch defamatory attacks against the Plaintiffs, and her conspiracy to harass and intimidate the Plaintiffs cannot constitute petitioning activity.

Read ignores the AC and wrongly claims that the Plaintiffs allege only six instances of defamatory conduct, all of which she argues constitute petitioning activity. In doing so, Read not only fails to establish that those six allegations constitute petitioning activity but completely fails to make the "requisite threshold showing" that Count One relies exclusively on that conduct. Read would have this Court believe that Count One is based solely on (1) Read's initial false report to law enforcement that Brian and Colin Albert beat up O'Keefe; (2) Read's false statements in a court filing; (3) Read's subsequent transmission of that filing to Kearney; (4) Read's mischaracterization of grand jury testimony to Kearney; (5) Read's extrajudicial statement that McCabe committed perjury; and (6) Read's extrajudicial, post-verdict statement during a podcast that the Plaintiffs killed O'Keefe. Mot. at 7-8.

Even a cursory review of the AC demonstrates that Read's conduct extended far beyond these cherry-picked examples. In a recorded conversation with a documentarian, Read stated that McCabe was a "first degree murderer," the Plaintiffs "know" they murdered O'Keefe, and the Plaintiffs were "murderers." AC ¶¶ 94-95. Read doesn't address these allegations at all, nor could she establish that these statements constitute petitioning activity where she made them to a documentarian with no expectation that the statements would be transmitted to a governmental body or released in a manner that could plausibly implicate a governmental proceeding. *See Blakesley v. Marcus*, 158 F.4th 90, 99 (1st Cir. 2025) ("[T]here must be 'a plausible nexus between

the statement and the governmental proceeding.'") (quoting *Blanchard v. Steward Carney Hosp.*, 477 Mass. 141, 149 (2017), *overruled on other grounds, Bristol Asphalt*, 493 Mass. at 556 & n.17).

Likewise, Read utterly fails to reckon with the extensive allegations detailing her conspiracy to use defamation as a tool to intimidate and harass the Plaintiffs. The AC alleges that Read conspired with Kearney to publish defamatory material, in part, for the purpose of intimidating and harassing the Plaintiffs and their families. *See* AC ¶¶ 19-78. Read makes no effort to justify this conduct – some of which was criminal – as petitioning activity. Indeed, conspiring to defame witnesses in order to intimidate them and jury tamper is not petitioning activity because such criminal acts target private individuals and are not undertaken to reach governmental bodies. *See Sexual Minorities Uganda v. Lively*, 960 F. Supp. 2d 304, 328 (D. Mass. 2013) ("The Petition Clause cannot protect activities taken for unlawful purposes or toward unlawful ends.") (citing *Cal. Motor Transp. Co. v. Trucking Unlimited*, 404 U.S. 508, 514 (1972)); *Blakesley*, 158 F.4th at 99 (explaining courts look to "'objective indicia of a party's intent to influence a governmental proceeding,' such as the timing, audience, and content of the statement") (quoting *Blanchard*, 477 Mass. at 149). Read herself embraced the impact of Kearney's criminal conduct when she messaged him, "Look at what you've done to their reputations!! And to MY jury pool!" AC ¶ 74.[3] To now suggest that destroying a witness's reputation and tainting a jury pool is petitioning activity is preposterous.

[3] Massachusetts courts have already found that Kearney's conduct, which the AC alleges he jointly undertook with Read, was likely criminal. For example, in denying Kearney's attempt to vacate a no contact order in November 2023, Judge Krupp explained that "[i]n pursuit of his performative journalism and personal brand, [Kearney] has berated witnesses in the Read case, badgered them, and pressured them to change their testimony." *Com. v. Kearney*, 2023 WL 7411677 at *2 (Mass. Super. Ct. Nov. 9, 2023). Judge Krupp found that Kearney's actions "demonstrate an intent to influence and pressure the witnesses to alter their testimony about the Read case" in violation of G.L. c. 268, § 13A. *Kearney*, 2023 WL 7411677 at *9. *See also Com. v. Kearney*, No. 2382CR00313, Dkt. No. 86 at (Mass. Super. Ct. May 19, 2025).

Read's failure to demonstrate that the AC relies on petitioning activity alone is dispositive. But, even the allegations she does address are either not alleged as defamation,[4] or do not constitute petitioning activity. First, Read's extrajudicial, defamatory statement that McCabe committed perjury is not petitioning activity. She did not direct this statement to a governmental body, nor did she seek any relief in connection with her false accusation. She did not specify which testimony she purportedly believed to be false, nor presented any information to suggest that it was false. Rather, she made a bald, blanket defamatory statement that could not obtain redress from the government. *See Blakesley*, 158 F.4th at 99. Second, Read's extrajudicial, post-verdict appearance on a podcast during which she defamed the plaintiffs cannot reasonably be understood as petitioning activity. There is simply no objective, plausible nexus between her defamatory conduct and any redress being sought from the government.

c) Read's *Post-Hoc* Motive is Irrelevant to the Court's Analysis.

The Court should not consider Read's *post-hoc* rationalization—offered for the first time in response to this lawsuit—at this stage of the proceedings. Read's unsupported, subjective rationale that she "intended to keep her defense publicized" is irrelevant. Mot. at 11; *see also Bristol Asphalt,* 493 Mass. at 563 (explaining motive behind activity is not relevant to threshold inquiry). What ***is*** relevant is whether she engaged in petitioning activities alone. She claims that she "intended to convince the O'Keefe family that it had sued the wrong party and should drop its

[4] As set forth in Section II.B.iii, *infra*, Plaintiffs do not contend that Read's leaking of non-public information to Kearney and misuse of court filings is itself defamation, but, rather, that such acts were in furtherance of their conspiracy and a course of conduct that included defamation, harassment, and intimidation. The Court need not determine whether such conduct constitutes petitioning activity because the Plaintiffs have not alleged that conduct to be defamation. And while Read's statement to investigators concerning Colin and Brian Albert would not be actionable, the remainder of her conduct is. *See Ehrlich,* 74 Mass. App. Ct. at 543 ("In sum, although the complaint does include allegations about 'petitioning activity' as defined in G.L. c. 231, § 59H, each count also includes allegations about activity falling outside that term's generous definition. Accordingly, the anti-SLAPP motion was correctly denied.").

suit." Mot. at 11. However, the AC alleges a course of conduct directed by Read long before the O'Keefe family sued Read for wrongful death in 2024. *See* AC ¶¶ 19-106. Moreover, the O'Keefe family is not a governmental body, and Read fails to cite a single case where a defendant urging a private litigant to drop pending tort claims constitutes petitioning the government; that is, of course, because no such case exists. Read also claims that she enlisted Kearney's help, in part, to "publicize [materials] so that the public at large would understand that she had been framed." Mot. at 8 (citing Read Aff. ¶ 10). But these admissions demonstrate that she was not engaged in petitioning at all. The intended recipient of such information was not the government, but a segment of an online audience. "[T]he Petition Clause protects the right of individuals to appeal to courts and other forums established by the government for resolution of legal disputes." *Borough of Duryea, Pa. v. Guarnieri*, 564 U.S. 379, 387 (2011).

d) The Case Law Cited By Read Does Not Support Her Argument.

Read relies on *Cardno ChemRisk, LLC v. Foytlin*, 476 Mass. 479 (2017) to argue that her "speech and advocacy" were similar to those of environmental activists raising awareness about pollution caused by the catastrophic Deepwater Horizon oil spill. Mot. at 10. In *Cardno*, the corporate plaintiff alleged that two environmental activists had defamed it by authoring four paragraphs in a longer article published by the Huffington Post. *See Cardno ChemRisk, LLC*, 476 Mass. at 481-82. By the time the article was published, the authors had been involved in public activism concerning the environmental impacts of the spill for three years. *Id.* at 481. The challenged paragraphs described the plaintiff's misleading assessments of the extent of environmental damage caused by the oil spill. *Id.* at 481-82. The central issue in the case was not whether the article constituted petitioning activity (it obviously did) but whether the authors were entitled to anti-SLAPP protection where "the article did not address a grievance personal to them." *Id.* at 483. Not surprisingly, the SJC concluded that the fact that the authors did not seek personal

redress was not dispositive of the issue where they were engaged in classic petitioning and had an "independent interest" in the cause that they sought to vindicate. *Id.* at 488. The SJC observed that the First Amendment had never been confined "to petitions seeking to redress grievances that are either purely personal or purely public in nature." *Id.* at 487.

Read ignores the central holding of *Cardno*. Instead, she paints her non-petitioning, self-interested defamation campaign against private lay witnesses as similar to the *Cardno* activists' longstanding lobbying campaign that was directed at the government. In this way, Read glosses over *Cardno's* observation that the four paragraphs at issue were only one part of a comprehensive series of actions taken to petition the government. *Id.* at 485 n.13. The scope of these activities was central to the Court's petitioning analysis:

> In addition to writing the blog posting at issue, the defendants have worked to raise awareness of the consequences of the spill by, among other things, marching from New Orleans to Washington, D.C.; drafting press releases; meeting with Federal officials; and corresponding with Federal agencies such as the Department of Justice, the Environmental Protection Agency, the Occupational Safety and Health Administration, the Department of Health and Human Services, the Centers for Disease Control and Prevention, and the National Institute of Environmental Health Sciences.

Id. By contrast, Read made no comparable effort to influence governmental bodies. Her conduct included covert communications with private citizens, publication of personal identifying information, and the coordination of harassing voicemails, confrontations, and stalking. AC ¶¶ 27-28, 37-38, 59, 68-69. That conduct bears no resemblance to the public advocacy at issue in *Cardno*. Nor does *Cardno* support protection for a multi-year campaign that sought to intimidate witnesses, suppress testimony, and tamper with a jury pool. *See id.* ¶¶ 25, 74.

ii. Even if Read's Activity Constituted Petitioning Activity Alone, It Was Devoid of Any Reasonable Factual Support.

This Court need not proceed to stage two of the *Bristol* analysis. Read's special motion to dismiss fails to meet the threshold burden that the Plaintiffs' claims are "based solely on [her]

legitimate petitioning activity." *Bristol Asphalt*, 493 Mass. at 556. Nevertheless, her special motion to dismiss also fails stage two. At that stage, Plaintiffs must demonstrate that Read's "exercise of [her] right to petition was devoid of any 'reasonable factual support or any arguable basis in law' and 'caused actual injury to the'" Plaintiffs. *Id.* at 557 (quoting G.L. c. 231, § 59H).[5]

Fundamentally, Read asks this Court to credit her self-serving contention that she did not kill O'Keefe and that Plaintiffs did. But, in doing so, Read "cannot merely rely on speculation, conclusory assertions, or averments . . . to identify reasonable support." *Id.* at 558. The SJC "equate[s] the standard under the anti-SLAPP statute with the concept of frivolousness." *Id.* at 559-60 (quoting *Demoulas Super Mkts., Inc. v. Ryan*, 70 Mass App. Ct. 259, 267 (2007)). "A claim is frivolous if there is an absence of legal or factual basis for the claim, and if the claim is without even a colorable basis in the law." *Id.* at 560 (quoting *Fronk v. Fowler*, 456 Mass. 317, 329 (2010)).

To put it simply, the Plaintiffs played no role in O'Keefe's death. They have never been identified by any law enforcement agency as suspects because there has never been any evidence of their involvement. *See* Declarations of Jennifer McCabe, Brian Albert, Colin Albert, and Brian Higgins, annexed hereto. They have never been arrested or charged in connection with O'Keefe's death. *Id.* Not only did they willingly speak and share evidence with the police, but they also testified under oath to state and federal grand juries and during both of Read's trials. *Id.* The SJC has held that where criminal process does not follow allegations, no reasonable factual support or arguable legal basis exists for the petitioning. *See, e.g., 477 Harrison Ave.*, 477 Mass. at 174.

[5] Plaintiffs' actual injury is pleaded in detail: prolonged harassment, intimidation, reputational harm, disruption to homes and businesses, and harm to family members. AC ¶¶ 142-145; *see Millennium Equity Holdings, LLC v. Mahlowitz*, 456 Mass. 627, 645 (2010) (emotional, reputational, and fiscal harms constitute legitimate categories of harm to plaintiffs).

As set forth extensively in the *Plaintiffs' Opposition to Defendant Aidan Kearney's Special Motion to Dismiss Pursuant to the Massachusetts Anti-SLAPP Statute* ("Kearney Anti-SLAPP Opp."), Read's own admissions, data obtained from her vehicle and O'Keefe's cell phone, damage to Read's vehicle, Read's inculpatory conduct on the morning of January 29, 2022, and the uncontroverted testimony of Plaintiffs, all established that Read was both responsible for O'Keefe's death and that she knew she was. *See* Kearney Anti-SLAPP Opp. at 30-31.

B. Read's Motion to Dismiss Pursuant to Mass. R. Civ. P. 12(b)(6) Must Be Denied.

i. Read Does Not Challenge the AC's New Allegations Concerning Read's Defamatory Statements and Conduct.

Read fails to address the newly alleged defamatory statements attributed to her in the AC, necessitating denial of the Rule 12(b)(6) Motion. AC ¶¶ 91-99. Those statements—accusing Plaintiffs of murder, participating in O'Keefe's death, and framing Read—are independently sufficient to defeat Rule 12(b)(6). Because Read does not challenge them, she cannot show that Plaintiffs have no legal basis for recovery. *See Iannacchino v. Ford Motor Co.*, 451 Mass. 623, 635-36 (2008); *see also*, *supra*, Section II.A.i.a.

ii. The AC Sufficiently Articulates Defamatory Statements Attributed to Read.

a) Read's Procedural Argument Pursuant to Rule 8(a) is Misplaced.

Under Rule 8(a), a complaint "must contain 'a short and plain statement of the claim showing that the pleader is entitled to relief,' the purpose of which is 'to give fair notice of the claims . . . of the parties,'" *Selectmen of Hanson v. Lindsay*, 444 Mass. 502, 509 (2005) (quoting Mass. R. Civ. P. 8 (a) (1)).

Read openly mischaracterizes the AC. In reality, the AC alleges and quotes numerous defamatory statements made by Read, even though Rule 8(a) does not require such specificity.

More than that, the AC identifies by date, substance, and manner of publication, a lengthy series of statements attributable to Read. For example:

- AC ¶ 27: In an April 12, 2023 discovery motion, which Read covertly disclosed to her co-Defendant, Read stated that Brian Albert and Colin Albert were responsible for O'Keefe's death and that McCabe was the "mastermind" who covered it up.

- AC ¶ 93: In an interview with documentary filmmaker Terry Dunn Meurer, Read said that Jennifer McCabe "got herself into . . . a bad mess that night," "helped clean it up," "knew John was dying," "helped expedite it," and was "a first-degree murderer," and that the other Plaintiffs "just finished him off."

- AC ¶ 95: During the same interview, Read said of the witnesses, including Plaintiffs, that "[t]hey're murderers . . . and they know it."

- AC ¶ 96: On June 15, 2024, Read stated that Brian Higgins and Colin Albert may have had motives to kill O'Keefe, that Brian Albert could have used those motives as another reason to dislike O'Keefe, that Brian Albert "did not care for John," that Colin Albert had "issues" with O'Keefe, and that the incident could have started when O'Keefe "got mouthy with Colin" and "caught an uppercut."

- AC ¶ 97: On June 22, 2024, Read stated that she knew Brian Higgins "had a role in helping kill" O'Keefe, helping "get him in the snow," and helping "frame" her, and she further stated that Brian Albert and Colin Albert "would have enjoyed roughing John up."

- AC ¶ 115: In an ABC/IMPACT x Nightline episode, Read's counsel, Jackson, stated that people in the house were "actually responsible" for O'Keefe's death and "murdered him," that others in the house were "covering up that murder," and that Jennifer McCabe knew O'Keefe was murdered inside the house and placed outside.

- AC ¶ 120: On May 1, 2025, after McCabe testified, Read told reporters that McCabe's testimony was "another instance of perjury" and that McCabe "is lying."

- AC ¶ 130: In a January 12, 2026 podcast interview, Read stated that O'Keefe "entered the house at 34 Fairview and much sooner than later met his demise," and she stated that "someone in that house killed John O'Keefe," referring to Plaintiffs.

The AC also outlines a series of defamatory statements attributable to Read that she attempted to launder through Kearney. *See, e.g.*, AC ¶¶ 33, 37, 45, 54, 56, 58-61, 64-65, 71-73, 76-77, 89-90, 100-103, 108-111, 113-114, 118-119, 124-126, 132-133, 135-141.

That level of detail—dates, direct quotations, and identified means of publication spanning more than fifty numbered paragraphs—provides Read with more than fair notice of the claim against her as required by Rule 8(a). Indeed, it provides a roadmap.[6]

b) Read's Substantive Argument Related to the Defamation Count is Without Merit.

Read tells this Court that "nearly all" of the statements attributed to her in the AC "are not actionable defamation as a matter of law." Mot. at 21. She then challenges only seven (7) statements, some of which are not attributed to her at all and many of which are included as background evidence for the many other claims brought against her. Nevertheless, dismissal would still be improper because, as Read concedes by omission, there are other viable allegations supporting Count One. Given that Read does not challenge many of the defamatory statements supporting Count One, the Court need not consider the few that she does cherry-pick. However, Plaintiffs present the following analysis in response:

1. **Read's Leaks of Non-Public Information to Kearney, AC ¶¶ 49, 50, 51, 58.** The AC alleges that, in 2023, Read and Yannetti repeatedly leaked false and/or non-public information to Kearney, e.g., false characterizations of grand jury testimony, AC ¶ 49, the confidential status of a federal investigation, *id.* ¶ 50, confidential investigative materials, *id.* ¶ 51, and the non-public resolution of McCabe's request for a protective order, *id.* ¶ 58. Their statements in connection with these leaks are not offered as specifications of defamation, but, rather as evidence in support of their course of conduct and their conspiracy to commit various other torts alleged in the AC.

[6] Read's argument that Count One is vague likewise lacks merit. As highlighted herein, Count One is supported by extensive and detailed allegations describing Read's defamatory statements and conduct.

Read cites no authority for her obviously incorrect position that where a multi-count action includes some non-defamatory allegations, the defamation count itself must be dismissed.

2. **The Karen Read-Turtleboy Official Facebook Group, ¶ 75.** The AC alleges that Read and Kearney started, managed, and maintained complete editorial control over a Facebook group whose purpose was to publish defamatory material about the Plaintiffs and to foment harassment against them. Read complains that ¶ 75 does not articulate any particular defamatory statements that Read published to that group, but such specificity is not necessary where the general tenor of the defamatory conduct is alleged along with the precise language of other defamatory statements. *See Haney v. City of Boston*, 2012 WL 3144816, at *5 (Mass. Super. Ct. July 30, 2012). The AC clearly meets this threshold. Again, however, ¶ 75 does not solely allege defamation; it alleges yet another example of conduct jointly undertaken by Read and Kearney in furtherance of their commission of other torts alleged in the AC.[7]

3. **Jackson's Extra-Judicial Defamation of the Plaintiffs, ¶ 115.** The AC alleges that Jackson, acting as Read's agent, defamed Plaintiffs during a nationally televised broadcast when he accused Plaintiffs of murdering O'Keefe and covering up that murder. Read argues that Count One must be dismissed to the extent it is "premised" on Jackson's defamatory statement because the AC does not allege that Jackson himself is liable for defamation. Mot. at 24. In reality, the AC alleges that Jackson was repeatedly defaming Plaintiffs in service of Read and her unlawful

[7] In passing, Read suggests that Section 230 of the Communications Decency Act immunizes her from liability for statements made by third parties on the Facebook page she managed. *See* Mot. at 23 (citing *Monge v. Univ. of Penn.*, 2023 WL 2471181 (E.D. Penn. Mar. 10, 2023)). However, as *Monge* plainly states, Section 230 does not immunize page administrators who "materially contribute" to a third party's defamation. 2023 WL 2471181, at *3-4. Therefore, to the extent ¶ 75 alleges that Read defamed the Plaintiffs by publishing to the Facebook page defamatory material drafted by third parties, those allegations are properly challenged at summary judgment once the parties have had the opportunity to discover the full scope of Read's involvement in those publications.

conduct. *See* AC ¶¶ 14, 24, 29, 91. Read's reliance on *Green v. Cosby*, 138 F. Supp. 3d 114, (D. Mass. 2015) is misplaced for several reasons. First, in *Green*, the Court analyzed the agency law of California and Florida, not Massachusetts. *See id.* at 138-39. More importantly, contrary to what Read suggests, the Court concluded that the complaint's allegations and reasonable inferences drawn therefrom established that a publicist's defamatory statements were properly attributable to the defendant because it was "plausible" that the publicist "had, at a minimum, some sense of Defendant's alleged conduct, such that their duty of care would have required them to take steps to determine the truth or falsity of the statements, and (2) the content of their responsive statements demonstrates such reasonable care was not taken." *Id.* at 139. Importantly, the Court also made the following observation, which Read completely omits:

> In reaching its conclusions, the court notes that prior to the formal discovery process, facts pertaining to state of mind in defamation actions need not be alleged with extreme detail, due to the difficulty of definitively ascertaining them at this stage of litigation. *See Schatz v. Republican State Leadership Comm.*, 669 F.3d 50, 58 (1st Cir. 2012) (in the defamation context, state of mind may be alleged generally); *see also generally* Fed. R. Civ. P. 9(b); *Grajales v. P.R. Ports Auth.*, 682 F.3d 40, 49 (1st Cir. 2012).

Id. The AC clearly alleges that Jackson defamed Plaintiffs on Read's behalf. Nothing more is required, particularly where the AC (and all reasonable inferences) exhaustively details Jackson's role in Read's defamatory course of conduct.

4. **Read's Defamatory Statement on Rotten Mango Podcast, ¶ 130**. The AC alleges that, on January 12, 2026, Read appeared on the Rotten Mango podcast and defamed Plaintiffs when she stated, "someone in that house killed John O'Keefe." AC at ¶ 130. By January 2026, Read and Kearney had repeatedly and specifically identified the Plaintiffs as the individuals "in that house" who were responsible for O'Keefe's death. *See id.* ¶¶ 54, 57, 126. Read argues that her assertion that "someone in that house killed John O'Keefe" is not defamatory as a matter of law

because it refers to a singular person, rather than a group. Mot. at 24-25. This assertion fails since the statements made by Read and her intermediaries at her direction clearly are "of and concerning" Plaintiffs. *Eyal v. Helen Broad. Corp.,* 411 Mass. 426, 430 (1991) (explaining that, to prove defendant's defamatory statements were "of and concerning" plaintiffs, it must be alleged "either that the defendant intended [their] words to refer to the [plaintiffs] and that they were so understood, ***or*** that the defendant's words reasonably could be interpreted to refer to the plaintiff and that the defendant was negligent in publishing them in such a way that they could be so understood") (citing to Restatement (Second) of Torts § 564 cmt. a)). Read cannot reasonably dispute that, by referring to the "people in that house," Read was referring to Plaintiffs. *See* AC ¶¶ 54, 57, 103 n.42, 126, 129. Moreover, due to the media attention on this case, residents of Canton and beyond would have known that by referring to "someone in that house," Read was referring to the four Plaintiffs involved in this lawsuit. *Eyal,* 411 Mass. at 431-32 (stating that "extreme media attention" on story permits inferences that statements referred to plaintiffs). Read's proposition that individuals cannot be held liable for defamatory statements about small groups is ridiculous and repeatedly rejected by courts. *Id.* at 430 n.6 (explaining members of "defamed class" can recover when "the group or class is so small that the matter can reasonably be understood to refer to the member, or . . . the circumstances of publication reasonably give rise to the conclusion that there is particular reference to the member") (quoting Restatement (Second) of Torts § 564A (1977)); *see also id.* at cmt.b. (illustrating that when newspaper publishes statement that officers of corporation have embezzled funds and there are only four officers, each of them can be found to be defamed).

In sum, Count One sufficiently pleads claims for relief, and Read's complete and acknowledged failure to challenge numerous defamatory statements set forth therein is sufficient grounds to deny the Rule 12(b)(6) Motion entirely.

iii. The AC Sufficiently Alleges that Read Conspired with Kearney to Commit Unlawful Acts.

To state a claim for civil conspiracy, "a plaintiff must demonstrate that a combination of persons acted pursuant to an agreement to injure the plaintiff." *Mass. ex rel. Powell v. Holmes*, 546 F. Supp. 3d 58, 81 (D. Mass. 2021) (quoting *Gutierrez v. Mass. Bay Transp. Auth.*, 437 Mass. 396, 415 (2002)). There are two types of civil conspiracy: (1) "true conspiracy;" and (2) "concerted action conspiracy." *See Taylor v. Am. Chemistry Council*, 576 F.3d 16, 34 (1st Cir. 2009); *Grant v. John Hancock Mut. Life Ins. Co.*, 183 F. Supp. 2d 344, 363 (D. Mass. 2002). Relevant for purposes of this action, to state a claim for concerted action conspiracy, "the plaintiff must allege plausibly an underlying tortious act in which two or more persons acted in concert and in furtherance of a common design or agreement." *Tahoun v. Barrasso*, 2025 WL 2254449, at *8 (D. Mass. July 21, 2025) (quoting *Insulet Corp. v. EOFlow Co.*, 755 F. Supp. 3d 70, 97 (D. Mass. 2024)).

Here, Plaintiffs sufficiently state a civil conspiracy claim against Read in Count Ten. Specifically, they allege that Defendants "act[ed] in concert with each other" to pursue a campaign of defamation, harassment, abuse, and intimidation that caused Plaintiffs severe emotional distress. AC ¶ 212. They further allege that Defendants formed an agreement, express or implied, to defame Plaintiffs and, through intentional, reckless, and negligent conduct, to inflict severe emotional distress on them. *Id.* ¶ 213. The AC identifies the evidence of agreement as including Read's use of intermediaries and encrypted communications to funnel information and false statements to Kearney, Kearney's admission that he received information and direction from Read and her legal

team, Read's praise and encouragement of Kearney's publications, coordinated timing around court proceedings, shared financial and strategic interests, and joint efforts to conceal the relationship. *Id.*

Read argues that Count Ten must be dismissed because (1) Read cannot be liable for unlawfully conspiring with Kearney if Kearney did not commit any substantive torts against Plaintiffs; and (2) the AC fails to allege that Read "substantially assisted" Kearney. Mot. at 26. Both arguments fail. First, Read's argument that her conspiracy liability is ***contingent*** on the Court's resolution of Kearney's 12(b)(6) motion is an improper basis to adjudicate her Motion. It would be entirely speculative to consider whether and to what extent the Court's adjudication of Kearney's Rule 12(b)(6) motion will impact Read's conspiracy liability. Second, Read is simply wrong that her liability for conspiracy turns on whether she rendered "substantial assistance" to Kearney. All that is required is that Plaintiffs plead that Read and Kearney engaged in an underlying tortious act in which they acted in concert and in furtherance of a common design or agreement. Nevertheless, the AC alleges that Read did far more than substantially assist Kearney. It alleges that she ***directed his conduct*** in furtherance of their conspiracy. *See, e.g.*, AC ¶¶ 48, 58, 85. Likewise, Count Ten alleges a non-exhaustive set of actions that Read took in furtherance of the conspiracy that went far beyond substantial assistance to Kearney. *Id.* ¶ 213.

Read's reliance on *Kurker v. Hill*, 44 Mass. App. Ct. 184 (1988) is misplaced. In *Kurker*, the Court considered the Restatement (Second) of Torts when analyzing whether the plaintiff's civil conspiracy claim should be dismissed. The Court drew on the Restatement's commentary that one may be liable for the tort of another where he provides "substantial assistance" in the commission of that tort. *Kurker*, 44 Mass. App. Ct. at 189. The Court did not conclude that such assistance was an element of conspiracy that must be pled. Rather, querying whether a defendant

has provided "substantial assistance" to a co-conspirator is one analytical approach to assessing whether the facts alleged support the claim. The Court found that the plaintiff's general allegation that the defendants had knowingly provided substantial assistance was sufficient to support a conspiracy claim because such an allegation, bare as it was, satisfied minimum pleading requirements. *Id.* at 189-190 (contrasting that allegation with another where Court found that "'nowhere is there so much as a hint as to what, specifically, any of the . . . [defendants] are supposed to have done' in connection with the alleged conspiracy") (quoting *Kadar Corp. v. Milbury,* 549 F.2d 230, 233 (1st Cir. 1977)).

Here, the AC alleges that Read herself committed torts against the Plaintiffs in furtherance of her conspiracy with Kearney. And, while the AC certainly alleges that she provided substantial assistance to Kearney, her liability is not contingent on that assistance where she is alleged to have committed torts of her own. In short, while Plaintiffs need not allege that Read substantially assisted Kearney, the AC and Count Ten specifically allege that she did far more than that.

iv. The AC Sufficiently Alleges that Read Aided and Abetted Kearney's Illegal Conduct.

Counts Three, Six, and Nine (the "Aiding and Abetting Counts") allege that Read aided and abetted Kearney in his defamation and defamation *per se*, intentional infliction of emotional distress, and negligent infliction of emotional distress. Plaintiffs allege that Read did so by, among other things, providing Kearney with confidential information about Plaintiffs to assist and encourage his tortious conduct. AC ¶¶ 27-31, 38, 170, 193, 209. To sufficiently claim that Read aided and abetted Kearney's commission of these torts, Plaintiffs must allege that (1) Kearney committed the relevant tort; (2) Read knew he was committing the tort; and (3) Read actively participated in or substantially assisted in his commission of the tort. *Go-Best Assets Ltd. v. Citizens Bank of Massachusetts*, 463 Mass. 50, 64 (2012).

Read again contends that the Aiding and Abetting Counts depend on the Court's resolution of Kearney's Rule 12(b)(6) Motion. Mot. at 26. For the same reasons stated above, that speculative argument is not a basis to dismiss claims against Read.

Read's primary challenge to the Aiding and Abetting Counts relies on a selective characterization of the AC. She asserts that Plaintiffs allege only five ways in which Read aided and abetted Kearney, *see* Mot. at 26, while ignoring broader allegations that Read fed Kearney nonpublic information, encouraged his publications, coordinated with him, and helped conceal their relationship. *See* AC ¶¶ 22-25, 27-32, 34, 36-38, 47-53, 60, 66, 69, 74-75, 105, 112, 122, 134, 139, 142-144. Read cherry-picks the following language to suggest that it is the only alleged basis for her aiding and abetting liability:

> Read continuously and intentionally provided Defendant Kearney with non-public and/or confidential information about her criminal case and the Plaintiffs, whether directly or through an intermediary, in an effort to assist and encourage Defendant Kearney's tortious conduct.

Id. ¶¶ 170, 193, 209. Notably, Read omits the language that immediately precedes each of these allegations—"[a]mong other things"—which encompasses the allegations throughout the AC. However, even if Plaintiffs' aiding and abetting allegations were limited to those identified by Read, they are more than sufficient. Sharing non-public information with an individual who would otherwise not have access to it is a clear form of assistance. Kearney used the information that Read and her counsel surreptitiously provided to him to pursue their campaign of defamation, harassment, and intimidation. *See, e.g., id.* ¶¶ 37, 38. At the motion to dismiss stage, the Court must "accept as true all factual allegations in the complaint and draw any reasonable inferences therefrom in the plaintiffs' favor," and "[t]he ultimate inquiry is whether the plaintiffs alleged such facts, adequately detailed, so as to plausibly suggest an entitlement to relief." *Baker v. Wilmer Cutler Pickering Hale and Dorr LLP*, 91 Mass. App. Ct. 835, 842 (2017) (first citing *Golchin v.*

Liberty Mut. Ins. Co., 460 Mass 222, 223 (2011), then quoting *Greenleaf Arms Realty Trust I, LLC v. New Boston Fund, Inc.*, 81 Mass. App. Ct. 282, 288 (2012)). Plaintiffs have sufficiently alleged, with adequate detail, that Read aided and abetted Kearney in his defamation, intentional infliction of emotional distress, and negligent infliction of emotional distress. *See Patriot Group, LLC v. Edmands*, 96 Mass. App. Ct. 478, 488-89 (2019).

v. The AC Sufficiently Alleges That Read Intentionally Inflicted Emotional Distress on Plaintiffs.

To state a claim for intentional infliction of emotional distress under Massachusetts law, a plaintiff must allege that (1) the defendant intended to inflict emotional distress, or knew or should have known that emotional distress was the likely result of her conduct; (2) the defendant's conduct was extreme and outrageous, beyond all possible bounds of decency, and utterly intolerable in a civilized community; (3) the defendant's conduct caused the plaintiff's distress; and (4) the plaintiff's distress was severe. *Polay v. McMahon*, 468 Mass. 379, 385-86 (2014). Read challenges only the second element, and her entire argument rests on a single, incomplete premise: that "defamatory statements cannot, as a matter of law, satisfy the 'extreme and outrageous conduct' requirement." Mot. at 27-28 (quoting *Ayyadurai v. Floor64, Inc.*, 270 F. Supp. 3d 343, 370 (D. Mass. 2017)). That premise, even taken at face value, does not resolve this Motion, because Count Four is not a defamation claim. It is a claim that Read spent three years, *inter alia*, directing a co-conspirator's harassment campaign, hiring an investigator to confront a witness using tactics associated with a convicted sex offender's intimidation operation, and unlawfully disclosing Plaintiffs' personal identifying information for the specific purpose of enabling third parties to find and confront them. None of that is speech, and Ms. Read's motion does not mention any of it.

Moreover, Read's authorities do not support dismissal. *Ayyadurai* involved defamatory blog posts, with no alleged investigator intimidation, disclosure of personal information, or

organization of third-party harassment. 270 F. Supp. 3d at 349-352, 370. *Soto-Lebron v. Federal Express Corp.*, which involved a single, statement-based defamation claim repackaged as IIED, with no non-speech conduct alleged at all, is further afield. 538 F.3d 45, 47-49, 58-59 (1st Cir. 2008). Neither case addresses, let alone forecloses, an IIED claim built on a sustained campaign combining defamatory publication with witness intimidation and doxxing.

Where courts confront that combination, they allow the claim to proceed. In *Kaiser v. Kirchick*, the plaintiffs alleged that the defendants subjected them to a "nearly three-year 'pattern of threats, intimidation, harassment, coercion, and defamation.'" 662 F. Supp. 3d 76, 97-98 (D. Mass. 2023). The court dismissed the companion defamation count for failure to plead the specific defamatory words at issue, which, of course, the AC here does plead, but denied the motion to dismiss the IIED count outright, because the alleged pattern of harassment and intimidation, considered as a whole, independently stated a claim regardless of the fate of any individual defamatory statement. *Id.* at 101-103. The same logic applies here with greater force: unlike the *Kirchick* plaintiffs, the Plaintiffs here allege that a private investigator was deployed using tactics drawn from a sexual predator's intimidation playbook, an unlawful disclosure of social security numbers timed to a witness's testimony, and a fifty-car rally to Plaintiffs' homes—conduct that places this case well beyond even *Kirchick's* three-year pattern of threats and harassment. For the same reasons, Read's passing challenge to Count Seven (Negligent Infliction of Emotional Distress) should be rejected.[8]

[8] Read separately argues that the April 12, 2023 discovery motion is "absolutely privileged" and that the Complaint's only "funneling" allegation rests on that filing. Mot. at 27 (citing *Acres Bonusing, Inc. v. Ramsey*, 2022 WL 17170856 (N.D. Cal. Nov. 22, 2022)). Two problems defeat that argument. First, *Acres Bonusing* applies California privilege law and is not binding here, and Read cites no Massachusetts case extending the litigation privilege to a filing made in violation of Supreme Judicial Court Rule 1:24. The Massachusetts privilege protects statements and related attorney conduct that are part of legitimate advocacy—"[t]he acts of preparing and advancing a

III. CONCLUSION

For the foregoing reasons, the Plaintiffs ask this Court to deny Defendant Read's motion to dismiss and grant any further relief the Court deems just and proper.

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litigation strategy," *Bassichis v. Flores*, 490 Mass. 143, 158 (2022)—not the exploitation of the discovery process to violate a confidentiality rule for a purpose collateral to litigation. The AC does not allege that Read is liable for what the April 12 motion argued; it alleges that Read used the motion as a vehicle to convey Plaintiffs' social security numbers to a non-party for a harassment campaign unrelated to the relief the motion sought. AC ¶¶ 27-28. As the Appeals Court has held, "the privilege does not attach . . . where it is not the statements themselves that are said to be actionable," such as where a filing is offered "as evidence of the defendants' misconduct." *Haverhill Stem LLC v. Jennings*, 99 Mass. App. Ct. 626, 636 (2021) (quoting *Gillette Co. v. Provost*, 91 Mass. App. Ct. 133, 141 (2017)); *see also id.* at 637 (reasoning absent that distinction, "the privilege would eviscerate . . . longstanding causes of action"). Plaintiffs do not ask this Court to impose liability for the content of the April 12 filing; they offer the filing, and Read's admitted purpose in making it, as evidence of a scheme whose object was intimidation, not litigation.

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COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss. SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO.: 2683CV00541

JENNIFER McCABE; BRIAN ALBERT; COLIN ALBERT; and BRIAN HIGGINS,

Plaintiffs,

v.

KAREN READ and AIDAN KEARNEY

Defendants.

DEFENDANT KAREN READ'S REPLY IN SUPPORT OF HER SPECIAL MOTION TO DISMISS PURSUANT TO THE ANTI-SLAPP LAW, G.L. C. 231, § 59H, AND MOTION TO DISMISS PURSUANT TO MASS. R. CIV. P. 12(b)(6)

Plaintiffs' primary argument against dismissal is that particular paragraphs in their Amended Complaint allege statements by Read that are not part of the "very broad" definition of petitioning activity and are, therefore, outside the scope of the Chapter 231, § 59H. *See Duracraft Corp. v. Holmes Prods. Corp.,* 427 Mass. 156, 162 (1998) (statutory definition of petitioning activity is "very broad"). They rely most heavily on Paragraphs 91-99, which recount statements Read allegedly made to the documentary filmmaker Terry Meurer during her first criminal trial in 2024. But like the other allegations discussed in Read's initial Memorandum of Law, these statements are also within the ambit of the anti-SLAPP statute.[1]

[1] Read is not asserting or discussing new legal arguments in this Reply. Instead, she explains why the factual allegations highlighted by Plaintiffs do not alter her entitlement to dismissal based on the arguments asserted in her motion papers. Of course, no rule requires a moving party to address every factual allegation the non-moving party may raise in their opposition, and the purpose of a reply brief is to address the arguments and allegations relied on in the opposition. Plaintiffs' reliance on *Com. v. McGowan*, 400 Mass. 385, 390 (1987) is misplaced.

As explained in her Motion papers, the statements attributed to Read in the Amended Complaint are not actionable because they are based solely on her petitioning activity, and Plaintiffs cannot prove by a preponderance of the evidence that her petitioning was "devoid" of "any" reasonable factual support or arguable basis in law. G.L. c. 231, § 59H. Like the others, her statements to Meurer constitute ". . . oral statement[s] made in connection with an issue under consideration or review by a legislative, executive, or judicial body." *Id.* Moreover, her statements to Meurer were ". . . reasonably likely to encourage consideration or review of an issue by a legislative, executive, or judicial body," and were ". . . reasonably likely to enlist public participation in an effort to effect such consideration". *Id.*

Considering the overall context in which Read allegedly made these statements to Meuer – which the SJC clarified is the appropriate test in *N. Am. Expositions Co. Ltd. P'ship v. Corcoran*, 452 Mass. 852, 862 (2009) – it is clear that Meurer's documentary and the statements made by Ms. Read were "in connection" with ongoing judicial proceedings, and "reasonably likely to enlist public participation." G.L. c. 231, § 59H. They were not, as Plaintiffs assert, part of "a coordinated campaign to destroy Plaintiffs' reputations." Read was facing the very real possibility of a lengthy jail sentence and used this documentary (like other public statements) to further the free speech interests protected by the anti-SLAPP law. As explained in her initial Motion papers, the statute "immunize[s] this broad category of conduct from suit, except where it is 'devoid of any reasonable factual support or any arguable basis in law.'" *Bristol Asphalt, Co. v. Rochester Bituminous Prods., Inc.,* 493 Mass. 539, 550 (2024) ("*Bristol Asphalt*"), quoting G.L. c. 231, § 59H.

In her Motion papers, Read has set forth sufficient factual support to immunize her from liability for her statements, including those made to the documentarian Meuer. Her statements

were intended to publicize that she had been framed in order to pressure the Commonwealth to drop her prosecution and instead prosecute the true perpetrators. *See* Read. Aff. ¶ 10. *Compare Riverdale Mills Corp. v. Cavatorta N. Am., Inc.,* 189 F. Supp. 3d 317, 325 (D. Mass. 2016).

Plaintiffs' arguments that Read fails to establish grounds for dismissal pursuant to Mass. R. Civ. P. 12(b)(6) because she did not challenge certain allegations pled in the Amended Complaint, likewise, are misplaced. First, she has not ignored the allegations set forth in the Amended Complaint, she challenges them in her Motion and again here. As stated herein, the statements that she made to Meuer all fall under the broad definition of "petitioning activity." Moreover, assertions that her attorney "leaked" information to Aidan Kearney are not only untrue, but even assuming *arguendo*, that Kearney publicized public information about Read's highly publicized criminal trials, such conduct is absolutely protected by the litigation privilege. Furthermore, Plaintiffs' allegations at Paragraphs 29-48 of the AC – that Read conspired with Kearney to "use defamation as a tool to intimidate and harass" them, as well as tampering with the jury – are categorically false. Additionally, as stated in her Motion, Read cannot be held liable for aiding and abetting (or conspiring to assist) Kearney's alleged tortious activity if he did not commit a tort, and as is explained in Kearney's Motion to Dismiss, the tort counts against him do not state a claim. *See* pp. 10-13 of *Defendant Aidan Kearney's Memorandum of Law in Support of His Partial Motion to Dismiss Pursuant to Mass. R. Civ. P. 12(b)(6).*

Finally, Plaintiffs argue that by serving a corrected Motion on June 23, 2026, Read failed "to plead or otherwise appear." This argument has no merit. Read served her Motion in a timely manner on June 18, 2026. She served a corrected version on June 23, 2026 that addresses the Amended Complaint. Plaintiffs' counts and legal theories are identical in the initial Complaint

and Amended Complaint, except for a number of additional factual allegations pled in the Amended Complaint which Read has responded to in her corrected Motion and here.

For the foregoing reasons, and those set forth in detail in her Motion, Defendant Karen Read respectfully requests that the Court allow her Special Motion to Dismiss as well as her Motion pursuant to Rule 12(b)(6) and award her reasonable attorney's fees and costs incurred in connection with her Special Motion to Dismiss.

Respectfully submitted,

KAREN READ,

By her attorneys,

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Date: July 10, 2026

CERTIFICATE OF SERVICE

I, Damon M. Seligson, Esq., do hereby certify that I caused to be served a copy of the foregoing Reply by electronic mail on all counsel of record in this action.

Damon M. Seligson

7-24-26

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COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss.

SUPERIOR COURT
CIVIL ACTION
NO. 26-00541

JENNIFER MCCABE & others[1]

vs.

KAREN READ & another[2]

MEMORANDUM OF DECISION AND ORDER ON DEFENDANTS' SPECIAL MOTIONS TO DISMISS PURSUANT TO THE ANTI-SLAPP LAW, G. L. c. 231, § 59H

Plaintiffs Jennifer McCabe, Brian Albert, Colin Albert, and Brian Higgins brought this action against defendants Karen Read and Aiden Kearney alleging they conspired to defame them by falsely stating they were responsible for the death of Read's boyfriend, John O'Keefe. The First Amended Complaint ("FAC") asserts claims against both defendants for defamation, intentional and negligent infliction of emotional distress, and civil conspiracy. The plaintiffs also assert separate claims against Read for aiding and abetting in Kearney's defamation and infliction of emotional distress and against Kearney for violation of G. L. c. 93A

The defendants have each filed a special motion to dismiss the FAC pursuant to the anti-SLAPP statute, G. L. c. 231, § 59H.[3] For the following reasons, the motions are **DENIED**.

DISCUSSION

The anti-SLAPP statute, G. L. c. 231, § 59H, "establishes a procedure for obtaining the early dismissal of a claim that seeks to impose liability on individuals for exercising their constitutional right of petition." *Bristol Asphalt, Co.* v. *Rochester Bituminous Prods., Inc.*, 493

[1] Brian Albert, Colin Albert, and Brian Higgins
[2] Aidan Kearney
[3] The defendants have also each filed motions to dismiss pursuant to Mass. R. Civ. P. 12(b)(6). Those motions will be addressed in a separate decision.

Mass. 539, 540 (2024). "[T]hese powerful procedural protections were intended to be employed in a limited context: to ensure the expeditious elimination of meritless lawsuits based on petitioning activities alone." *Id.* at 555. See *Duracraft Corp.* v. *Holmes Prod. Corp.*, 427 Mass. 156, 161–164 (1998). However, "the statute has been regularly invoked in attempts to dismiss a wide array of other claims concerning conduct far afield of the petitioning activity that the Legislature originally sought to protect." *Bristol Asphalt, Co.*, 493 Mass. at 540-541.

To "ensure[] that [a special motion] opponent's own petitioning activity is not infringed by the allowance of a special motion to dismiss[,]" the Supreme Judicial Court (SJC) has adopted a two-stage, burden-shifting framework for analyzing the merits of a special motion to dismiss filed under G. L. c. 231, § 59H. *Id.* at 555. See *Allegaert* v. *Harbor View Hotel Owner LLC*, 497 Mass. 328, 335-336 (2026) ("to prevent these special motions to dismiss, and the powerful procedural protections they afford to litigants, from being misused to quell petitioning activity, our jurisprudence has adopted 'a necessarily narrow and strict construction of the statute'" [citation omitted]). A party seeking dismissal under the anti-SLAPP statute must "make a threshold showing through the pleadings and affidavits that the claims against it are 'based on' the [party's] petitioning activities alone and have no substantial basis other than or in addition to the petitioning activities" (citation omitted). *Bristol Asphalt, Co.*, 493 Mass. at 555. If the special motion proponent cannot make this threshold showing, the motion is denied, and the challenged claim survives. *Id.* However, if the special motion proponent is able to make the threshold showing, the motion will be allowed unless the nonmoving party demonstrates that the petitioning activity was "devoid of any reasonable factual support or any arguable basis in law" and caused the nonmoving party actual injury. *Id.* at 557, citing G. L. c. 231, § 59H.

As noted, the defendants have separately filed special motions to dismiss under the anti-SLAPP statute and therefore they each have the initial burden of showing that the claims against them are based on their petitioning activities alone and have no substantial basis other than or in addition to those petitioning activities. Petitioning activity under § 59H includes:

> [1] any written or oral statement made before or submitted to a legislative, executive, or judicial body, or any other governmental proceeding; [2] any written or oral statement made in connection with an issue under consideration or review by a legislative, executive, or judicial body, or any other governmental proceeding; [3] any statement reasonably likely to encourage consideration or review of an issue by a legislative, executive, or judicial body or any other governmental proceeding; [4] any statement reasonably likely to enlist public participation in an effort to effect such consideration; or [5] any other statement falling within constitutional protection of the right to petition government.

The Court concludes that neither defendant has made the threshold showing under the statute.

I. Defendant Kearney's Initial Burden

The plaintiffs assert claims against Kearney for defamation, intentional and negligent infliction of emotional distress, civil conspiracy, and violation of G. L. c. 93A. As explained below, Kearney has failed to satisfy his initial burden for two reasons. First, the claims have a substantial basis other than petitioning activity. Second, even if this were not the case, the FAC alleges that he was not engaging in petitioning activity on his own behalf but rather on behalf of Read.

A. Other Substantial Basis

Kearney argues that the plaintiffs' claims seek to hold him liable for petitioning activity because his statements fall under the second, third, and fourth clauses of G. L. c. 231, § 59H. However, he has failed to establish that this is the case.

1. *Defamation Claim*

The defamation claim is primarily based on Kearney's repeated statements accusing the plaintiffs of murdering O'Keefe and covering it up. Kearney first argues that by publicly accusing the plaintiffs of murder, his statements were "reasonably likely to encourage consideration or review" of O'Keefe's death by an executive body. However, of all the various places Kearney made these statements—on his livestream, social media platforms, his blog, on plaintiffs' voicemails, at the plaintiffs' homes, and in the case of McCabe, at her daughter's lacrosse game—none were to an executive body, as part of a judicial or other proceeding, or to any authority that could affect consideration of the issue. Cf. *Fabre* v. *Walton*, 436 Mass. 517, 523 (2002) ("filing of a complaint for an abuse protection order and the submission of supporting affidavits are petitioning activities"); *Dever* v. *Ward*, 92 Mass. App. Ct. 175, 179 (2017) ("defendants' appeals to the police and to the courts were quintessential petitioning activity"); *O'Gara* v. *St. Germain*, 91 Mass. App. Ct. 490, 497 (2017) (reporting "suspected criminal activity to the police" was petitioning activity). Kearney cites no case law suggesting that statements to other members of the public accusing someone of murder qualify under this clause of the anti-SLAPP statute. Such statements lack the "supplication to higher authority" characteristic of petitioning activity under this clause. See *Garabedian* v. *Westland*, 59 Mass. App. Ct. 427, 433 (2003).

Kearney next argues his statements are petitioning activity because they were "made in connection with an issue under consideration or review by a legislative, executive, or judicial body," namely, the investigation into O'Keefe's death and the prosecution of Karen Read. G. L. c. 231, § 59H. The SJC has stated that for statements to qualify under this clause of the anti-SLAPP statute, there must be "a plausible nexus between the statement and the governmental

proceeding.'" *Blanchard* v. *Steward Carney Hosp., Inc.*, 477 Mass. 141, 149 (2017), overruled on other grounds by, *Bristol*, 493 Mass. at 552-554. "To assess if this 'plausible nexus' exists, the SJC analyzes 'objective indicia of a party's intent to influence a governmental proceeding,' such as the timing, audience, and content of the statement." *Blakesley* v. *Marcus*, 158 F.4th 90, 99 (1st Cir. 2025). The communications must be "closely and rationally related to the [governmental] proceedings," *Plante* v. *Wylie*, 63 Mass. App. Ct. 151, 159 (2005), and "made to influence, inform, or at the very least, reach [government] bodies—either directly or indirectly" (citation omitted). *North American Expositions Co. Ltd. Partnership* v. *Corcoran*, 452 Mass. 852, 862 (2009).

Although some of Kearney's statements at least tangentially relate to an issue that was under judicial review, i.e., the prosecution of Karen Read, the claims largely target statements that do not have a plausible nexus to this prosecution. The statements are directed toward viewers and potential viewers of Kearney's livestream and readers of his blog, and their content does not seek to influence government action in any way. See *Lucey* v. *Kinnon*, 106 Mass. App. Ct. 358, 366 (2025) (post not directed to the government and that did not mention any government proceeding but rather consisted of "throwing barbs" at another was not petitioning activity). Rather, the statements are aimed at convincing Kearney's audience to regard and treat the plaintiffs as murderers. See, e.g., FAC at para. 56 ("Jennifer McCabe and Brian Albert are involved. They are covering it up . . . The McCabes have the look of evil in them when you see them in person. These are people with no shame, and aren't the least bit deterred by the fact that millions of people know that they participated in a murder and subsequent cover up of a murder of a Boston Police Officer."); FAC at para. 59 ("Jen and Matt McCabe do not deserve to live a normal life and pretend that they weren't involved in murdering a Boston Police Officer."); FAC

at para. 90 (calling McCabe a "cop killing pig"). Such statements are markedly different than those that courts have concluded are "made in connection with" a proceeding under judicial or executive review. See *Wynne* v. *Creigle*, 63 Mass. App. Ct. 246, 254 (2005) (statements to media by fire fighter's widow were sufficiently tied to and in advancement of her petition for benefits under consideration by the Legislature and were "mirror images" of what she had reported to government body). The FAC also cites allegedly defamatory statements Kearney made *after* the second trial had ended and therefore not connected to any issue under judicial review. See, e.g., FAC at paras. 125-126, 132-133, 135, 138.[4] Cf. *Plante*, 63 Mass. App. Ct. at 159 (settlement demand made to resolve disputed issue under review by planning board was made "in connection with" pending governmental proceeding). "That [Kearney's] statements concern[] a topic that has attracted governmental attention, in itself, does not give [them] the character contemplated by the statute." *Global NAPS, Inc.* v. *Verizon New England, Inc.*, 63 Mass. App. Ct. 600, 605 (2005).

Finally, Kearney relies heavily on his argument that his statements were "reasonably likely to enlist public participation in an effort to effect . . . consideration [by an executive or judicial body.]" In his motion, he cites multiples instances where he both encouraged people to demand answers from the Massachusetts State Police and Norfolk District Attorney's Office and encouraged his audience to engage in standouts and to gather at the courthouse in protest of the prosecution. While the Court agrees with Kearney that such conduct constitutes petitioning

[4] To the extent Kearney contends that his post-verdict statements were likely to encourage review by law enforcement into those responsible for O'Keefe's death, allegations in the FAC belie his claim. For instance, the FAC cites Kearney's communication to his followers to use a "code for 'The McAlberts killed John O'Keefe." FAC at para. 141. It strains credulity to argue that such a statement, which obscures the message so only his followers can understand it, could reasonably be interpreted as made to influence, inform, or reach government bodies. The FAC also alleges that Kearney posted a video encouraging his followers to attend and protest a fundraiser hosted by a supporter of the plaintiffs asserting that it was being held for "the people that framed Karen Read for murder" and that "they killed John O'Keefe." FAC at para. 133. It is unclear how encouraging his followers to attend a private event would be reasonably likely to encourage review of O'Keefe's death by an executive body.

activity, his argument that the statements cited in the FAC are related to this conduct and therefore should be viewed similarly is without merit. See *Lucey*, 106 Mass. App. Ct. at 364 ("fact that [defendant's] initial post constituted petitioning activity did not then throw an anti-SLAPP protective blanket over every post that followed"). The defamation claim is not aimed at the specific instances that Kearney cites in his motion. Rather, the claim encompasses statements that are far removed from any call to the public to appeal to the government, namely the many instances where Kearney accused the plaintiffs of murdering O'Keefe and covering up their crime by addressing them directly at their homes, via his livestream, or in the case of McCabe, at her daughter's lacrosse game. In those statements, Kearney neither explicitly nor implicitly calls on his audience to implore anything to a governmental body.[5]

To be sure, the FAC cites many statements that were reasonably likely to enlist Kearney's audience to share his opinion and to make that opinion known to the plaintiffs and other members of the public. See, e.g., FAC at para. 90 (citing Kearney's statements that he has "nothing but hatred to [Plaintiff McCabe] as I should because I'm normal. I'm a rational person. Any rational person hates Jennifer McCabe [and] is disgusted by her because Jennifer McCabe is a pig. She's a pig. She's a cop killing pig."); FAC at 114 (responding to claim by McCabe's friend that she was harassed by Kearney supporter in public, Kearney stated, "[t]he fact that Jennifer McCabe has to cover her face in public like this because everywhere she goes people immediately see her face and recognize her as a cop killer, is a great thing."); FAC at para. 140

[5] For instance, Kearney does not explain how his enlistment of 200 individuals to participate in a "rolling rally" to go at the plaintiffs' homes while he "shout[ed] into a bullhorn that Brian Albert and McCabe were covering up John O'Keefe's murder," see FAC at 60, was "reasonably likely to enlist public participation in an effort to effect . . . consideration [by an executive or judicial body]." Nor does he address how going to McCabe's daughter's lacrosse game and calling her a "cop killer" was likely to do so. See FAC at para. 59. See *Ayasli* v. *Armstrong*, 56 Mass. App. Ct. 740, 748-749 (2002) (although neighbors' opposition to home renovation before town boards was protected, a threat made as the neighbors were leaving a hearing before the board was not protected). Simply filming his actions and posting them later does not bring such conduct under the protections of the anti-SLAPP statute.

(alleging Kearney addressed his audience members who had not confronted the plaintiffs stating, "[T]hey're right fucking there walking around like nothing happened. What are you going to do about it, huh? You gonna ask them anything? You gonna talk to them? . . . You're not in this for being uncomfortable, or making, you know, people who committed horrific crimes uncomfortable."). However, for such statements to be protected petitioning activity they must be "reasonably likely to enlist public participation in an effort to effect, i.e., bring about, *governmental consideration of an issue*" (emphasis added). See *Doe* v. *Thorell*, 106 Mass. App. Ct. 532, 538 (2026). The statements that are the subject of the defamation claim clearly are not. See *Global NAPS, Inc.*, 63 Mass. App. Ct. at 607 (anti-SLAPP law "does not protect tangential statements intended, at most, to influence public opinion in a general way unrelated to government involvement"). See also *Cadle Co.* v. *Schlichtmann*, 448 Mass. 242, 250-252 (2007) (website designed to disseminate to the public information about plaintiff to attract clients to defendant's law practice was not reasonably likely to enlist public participation in an effort to affect such consideration).

2. *Other Claims*

Kearney's motion as to the plaintiffs' other claims for intentional and negligent infliction of emotional distress, civil conspiracy, and Chapter 93A similarly fails because the claims are clearly not based solely on petitioning activity. These claims go beyond Kearney's statements calling the plaintiffs murderers, which as explained above are themselves primarily not petitioning activity, and seek redress for his actions in purportedly organizing the rolling rally mentioned above, publicly releasing the plaintiffs' personal identifying information, harassing the plaintiffs and their family members and encouraging others to do the same, conspiring with Read to cover up her crime by wrongfully accusing the plaintiffs, and operating a commercial

enterprise selling merchandise featuring the plaintiffs' names and likeness. As to these claims, Kearney also has clearly not satisfied his initial burden and therefore the motion must be denied.

B. Petitioning in One's Own Right

Even if Kearney's conduct that is the subject of the challenged claims could be considered petitioning activity, his motion fails for an additional reason. The anti-SLAPP statute provides that a special motion may be brought for claims against a party that "are based on said party's exercise of its right of petition under the constitution." G. L. c. 231, § 59H. That phrase is read "as restricting the statute's coverage to those defendants who petition the government *on their own behalf*" (emphasis added)." *Kobrin* v. *Gastfriend*, 443 Mass. 327, 332 (2005) ("the statute is designed to protect overtures to the government by parties petitioning in their status as citizens"). *Id.* Although the party bringing the special motion "need not be the beneficiary of the particular cause the party seeks to advance" protections of the statute are limited to those who "engage[] in petitioning activity 'in their own right.'" *Cardno ChemRisk, LLC* v. *Foytlin*, 476 Mass. 479, 487-488 (2017). Here, the FAC alleges that Kearney was not speaking on his own behalf but rather on behalf of Read.

The FAC alleges that "Read found and enlisted Kearney" to publicize a story about the plaintiffs and that "Kearney agreed to and did publicize and widely disseminate Read's false claims about the Plaintiffs and others in an effort to destroy the reputations of these individuals so that Read could evade responsibility for causing the death of O'Keefe." FAC at paras. 22 and 25. It further alleges that "Kearney acted on behalf of Read in publishing defamatory statements about the Plaintiffs to assist Read in her trial," and that Kearney used information in his blog posts which Read "funneled" to him "with knowledge that he would publish it on her behalf." FAC at paras. 25 and 34.

In stark contrast to the allegations in the FAC, Kearney characterizes his statements as an effort to raise awareness about police corruption, which he contends, is his longstanding cause. He argues that much like the defendants in *Cardno ChemRisk, LLC*, he was "petitioning on his own behalf as an activist and a citizen." In that case, the SJC concluded that environmentalists sued for defamation based on statements made in the Huffington Post criticizing a scientific consulting firm that purportedly defended polluters were engaging in petitioning activity "[b]ecause they expressed their own opinions, [were] speaking for themselves and at their own behest." *Id.*, 476 Mass. at 488-489. Kearney's comparison to the defendants in *Cardno ChemRisk, LLC* misses the mark.

The statements that are the subject of the plaintiffs' claims in this case have nothing to do with police corruption. The FAC does not seek to hold Kearney liable for "accusing public officials of a corrupt failure to investigate the Plaintiffs for the killing of Officer John O'Keefe" as Kearney contends. See Kearney's Reply at 4. Rather, it cites Kearney's repeated accusations that the plaintiffs are "cop killer[s]" and "murderers" who lied about what happened with O'Keefe. See, e.g., FAC at paras. 59, 95, 101, 109, 110, 114. Given the content of the statements, it is more than a stretch to conclude that they were in furtherance of advancing Kearney's stated cause. Moreover, while Kearney's affidavit states that he wrote his blog posts on his own and Read did not funnel him information, it does not refute the allegations that Read enlisted Kearney to publicize her story and that he did so to assist in her trial. Thus, unlike the defendants in *Cardno ChemRisk, LLC*, Kearney has not shown that he was speaking for himself and at his own behest.

While the anti-SLAPP statute provides "very broad protection for petitioning activities," it was intended to protect the right to petition the government for "the redress of grievances"

guaranteed by the United States Constitution. *Duracraft Corp.*, 427 Mass. at 161. Where there is no reasonable basis to conclude that Kearney's statements and conduct at issue in the plaintiffs' claims were in an effort to petition to the government for redress of harm, Kearney has not carried his threshold burden.

II. Defendant Read's Initial Burden

The plaintiffs assert claims against Read for defamation, intentional and negligent infliction of emotional distress, for aiding and abetting in Kearney's defamation and infliction of emotional distress, and civil conspiracy. Read has failed to show that the claims are based solely on her exercise of the right to petition and have no other substantial basis.[6]

A. Defamation Claim

Read's motion cites a "handful of allegedly false statements" she made about the plaintiffs which she contends form the basis of the defamation claim and fall under all five categories of petitioning activity under § 59H. Her motion, however, neglects to address many allegedly defamatory statements which form a substantial basis of the plaintiffs' defamation claim and which cannot be characterized as petitioning activity.

For instance, the FAC alleges during Read's first trial, she had a documentary filmmaker, Terry Meurer record the trial preparation which included conducting recorded interviews with Read over the course of the trial. During an April 30, 2024 interview, Read stated that "[Jen McCabe is] a first-degree murderer and she knows it[,]" that the plaintiffs "know they killed

[6] The plaintiffs filed the FAC on June 5, 2026. Read served her motion to dismiss on June 23, 2026. For reasons unknown to the Court, Read's motion fails to address any newly added allegations in the FAC. Read has attempted to use a reply memorandum to respond to the argument in the plaintiff's opposition that she neglected to account for many statements in the FAC, however, under Superior Court Rule 9A(a)(3), a reply memorandum is "limited to matters raised in the opposition that were not and *could not reasonably have been anticipated* and addressed in the moving party's initial memorandum" (emphasis added). Read clearly should have anticipated that the opposition would have addressed the neglected factual allegations. Nevertheless, the Court has considered her argument in the reply brief and finds it unpersuasive.

John[,]" and that plaintiffs are "murderers . . . and they know it." FAC at paras. 93-95. The FAC also alleges that during an interview on June 15, 2024, Read told Meurer and her team that "Brian Higgins, Brian Albert, and Colin Albert had a motive to kill O'Keefe[,] and that during another interview on June 22, 2024, Read told the filmmakers:

> "I know Brian Higgins had a role in helping kill him, help him get in the snow and help frame me but I, I don't think Higgins . . . necessarily would have wanted to really hurt John. I think Brian Albert and Colin Albert would have enjoyed roughing John up."

FAC at para. 96-97.

Although Read did not address her statements to Meurer in her special motion, her reply brief argues that they fall under the second, third, and fourth clauses of G. L. c. 231, § 59H. However, she has failed to establish this is the case.

As explained above, for statements to be "reasonably likely to encourage consideration or review of an issue by a legislative, executive, or judicial body[,]" they must be directed at an authority that could effect such consideration. The production staff of a documentary film is not such an authority.

There is also no plausible argument that the statements Read made to Meurer and her team were "reasonably likely to enlist public participation in an effort to effect such consideration." The statements were all made in the midst of Read's first criminal trial, and in the case of the June 22, 2024 statements, three days before the jury began deliberating. Because they were part of a documentary film about the trial, Read could not have reasonably believed that such statements would be released to the wider public until after the verdict.

Read has also not established that the statements were "made in connection with an issue under consideration or review by a legislative, executive, or judicial body." She argues only that the statements fall under this clause because the judicial proceedings were ongoing and she

"intended to publicize that she had been framed in order to pressure the Commonwealth to drop her prosecution and instead prosecute the true perpetrators." Read Reply at 3. However, the fact that she was involved in governmental proceedings does not make every tangential statement petitioning activity. See *Global NAPS, Inc.*, 63 Mass. App. Ct. at 607. And the proffered motive behind her speech is irrelevant at the threshold inquiry. See *Bristol Asphalt, Co.*, 493 Mass. at 563, citing *Office One, Inc.* v. *Lopez*, 437 Mass. 113, 122 (2002). She has failed to point to any objective indicia demonstrating that her statements to Muerer were "made to influence, inform, or at the very least, reach [government] bodies—either directly or indirectly" (citation omitted). *Blakesley*, 158 F.4th at 99.

B. Aiding and Abetting Claims

The plaintiffs assert claims against Read for aiding and abetting Kearney's defamation and infliction of emotional distress. Read contends that her conduct was petitioning activity because it was "made in connection with an issue under consideration or review by a legislative, executive, or judicial body;" and "reasonably likely to enlist public participation in an effort to effect such consideration." She, again, fails to establish the claims had no substantial basis other than petitioning activity.

Read's motion focuses on allegations in the FAC that she communicated to Kearney non-public information that was in court filings or that was evidence in her criminal trial. She does not explain how her providing Kearney, as opposed to the court, with a police report with the plaintiff's private addresses, phone numbers, and social security numbers on it was petitioning activity. See G. L. c. 231, § 59H (petitioning activity includes "any written . . . statement made before or submitted *to a . . . judicial body*" [emphasis added]).

Even if such communication could be considered petitioning activity, the aiding and abetting claims extend beyond these select allegations. See FAC at paras. 168, 191, 207. For instance, the FAC alleges that Read found and enlisted Kearney, "an aspiring internet personality with limited reach in the Greater Boston area," with "no journalistic training, editorial standards, or oversight," who was seeking attention and money, and "routinely engaged in provocation and courted controversy," to publish her false statements. FAC at para. 18. She then told him that the plaintiffs were responsible for O'Keefe's death and he broadcast such statements on his blog. See FAC at paras. 33 and 37. Read's motion does not address how such statements have a plausible nexus to her prosecution. Indeed, the fact that Read chose Kearney as an outlet for her statements knowing he would convey the information in a way that would provoke and inflame his audience against the plaintiffs suggests that the statements were not meant to influence, inform, or bring about governmental consideration of the issue. Cf. *Blanchard*, 477 Mass. at 151 (statements to the Boston Globe, a newspaper widely circulated in Boston and throughout the Commonwealth, were likely to reach the decision makers at Department of Mental Health and members of the public wishing to weigh in on licensing decision).

Nor does Read explain how the content of her statements to Kearney—accusations that the plaintiffs murdered O'Keefe—either directly or indirectly called on members of the public to appeal to the government on her behalf. Statements with no "potential or intent to redress a grievance, or directly or indirectly to influence, inform, or bring about governmental consideration of the issue" lack a "crucial characteristic" of petitioning activity. See *Global NAPS, Inc.*, 63 Mass. App. Ct. at 607.

C. Other Claims

The remaining claims against Read alleging intentional and negligent infliction of emotional distress and civil conspiracy all have a substantial basis other than petitioning activity. The claims allege that Read orchestrated a campaign of harassment against the plaintiffs which included funneling information to Kearney and hiring a private investigator to confront the plaintiffs, that she and Kearney agreed on a scheme to defame, harass, abuse, and intimidate the plaintiffs, that she provided Kearney with nonpublic and confidential information about the plaintiffs, and that she celebrated the destruction of the plaintiffs' reputations while monetizing the publicity. Read's motion does not attempt to explain how any of this conduct could be considered petitioning activity. Rather, she argues that all the claims are based on Read's alleged defamatory statements to Kearney which she contends were all petitioning activity. For reasons stated above, the Court concludes they also are not.

Because Read has failed to show that her statements and conduct at issue in the plaintiffs' claims were in an effort to petition to the government for redress of harm, she has not carried her threshold burden for an anti-SLAPP motion. The Court therefore need not proceed to the second step of the analysis, and the challenged claims will survive.

ORDER

For the foregoing reasons, Defendant Aiden Kearney's Special Motion to Dismiss Plaintiff's First Amended Complaint Pursuant to the Anti-SLAPP Law, G. L. c. § 59H is **DENIED**.

Defendant Karen Read's Special Motion to Dismiss Pursuant to the Anti-SLAPP Law, G. L. c. § 59H is also **DENIED**.

July 24, 2026

Mark C. Gildea
Justice of the Superior Court

Date Filed 8/5/2026 11:25 AM
Superior Court - Plymouth
Docket Number 2683CV00541

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss. SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO.: 2683CV00541

JENNIFER McCABE; BRIAN ALBERT; COLIN ALBERT; and BRIAN HIGGINS,

Plaintiffs,

v.

KAREN READ and AIDAN KEARNEY

Defendants.

SPECIALLY ASSIGNED TO HON. MARC C. GILDEA

COMMONWEALTH OF MASSACHUSETTS
SUPERIOR COURT DEPT. C. TRIAL COURT
AUG 5 2026
Clerk of Court

DEFENDANT KAREN READ'S NOTICE OF APPEAL

Pursuant to Mass. R. App. P. 3, the doctrine of present execution, and the Anti-SLAPP Law, M.G.L. c. 231, § 59H, Defendant Karen Read hereby gives notice that she appeals to the Appeals Court from this Court's Memorandum of Decision and Order on Defendants' Special Motions to Dismiss Pursuant to the Anti-SLAPP Law, G.L. c. 231, § 59H, docketed July 24, 2026, and all related orders and endorsements.

Respectfully submitted,

KAREN READ,

By her attorneys,

/s/ Damon M. Seligson
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Date: August 5, 2026

Date Filed 8/5/2026 11:25 AM
Superior Court - Plymouth
Docket Number 2683CV00541

CERTIFICATE OF SERVICE

I, Damon M. Seligson, hereby certify that I provided a copy of this pleading to all counsel of record by electronic mail on this 5th day of August, 2026.

/s/ Damon M. Seligson
Damon M. Seligson (BBO# 632763)

Date Filed 9/8/2026 4:32 PM
Superior Court - Plymouth
Docket Number 2683CV00541

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS.

SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO. 2683CV00541

JENNIFER McCABE, BRIAN ALBERT, COLIN ALBERT, and BRIAN HIGGINS,

Plaintiffs,

v.

KAREN READ and AIDAN KEARNEY,

Defendants.

SPECIALLY ASSIGNED TO
HON. MARK C. GILDEA

FILED
COMMONWEALTH OF MASSACHUSETTS
SUPERIOR COURT DEPT. OF THE TRIAL COURT
PLYMOUTH COUNTY

SEP 8 2026

Clerk of Court

KAREN READ'S MOTION FOR RECONSIDERATION OF COURT'S DENIAL OF HER SPECIAL MOTIONS UNDER THE ANTI-SLAPP LAW

INTRODUCTION

Defendant Karen Read ("Read") respectfully seeks reconsideration of the Court's July 24, 2026 Memorandum of Decision and Order on Defendants' Special Motions to Dismiss (Doc. 40 ("Decision")), pursuant to Superior Court Rule 9D. On July 22, 2026, *Boston Magazine* published an article (the "Article") that includes "newly discovered evidence that could not be discovered through the exercise of due diligence before the original motion was filed," (*see* Sup. Ct. R. 9D) and which has a significant and potentially dispositive impact on both stages of the Court's analysis under *Bristol Asphalt, Co. v. Rochester Bituminous Prods., Inc.*, 493 Mass. 539 (2024). If the Court is not inclined to reconsider its decision pursuant to Rule 9D, Read alternatively seeks relief under Mass. R. Civ. P. 60(b)(2) (new evidence) and 60(b)(6) (other reasons justify relief).[1]

[1] Filed herewith is the Affidavit of Damon M. Seligson in Support of Karen Read's Motion for Reconsideration of the Court's Denial of Her Special Motions to Dismiss Under the Anti-SLAPP Law (the "Seligson Aff."), including exhibits appended thereto.

September 14, 2026 – A motion to reconsider pursuant to Superior Court Rule 9D calls upon the broad discretion of the motion judge. *Commonwealth v. Charles*, 466 Mass. 63, 84 (2013); *Audubon Hill S. Condo. Ass'n v. Community Ass'n Underwriters of Amer., Inc.*, 82 Mass. App. Ct. 461, 470 (2012). If there is no material change in circumstances, such as newly discovered evidence or a development of relevant law, a judge is not obliged to reconsider a case, issue, or question of law after it has been decided, absent a particular and demonstrable error in the original decision. *Blake v. Hometown Amer. Communities, Inc.*, 486 Mass. 268, 278 (2020). *Charles*, 466 Mass. at 83-84. The motion for reconsideration is denied. As to the alternative request for relief under Rule 60, the general rule is that a motion from relief for judgment under Rule 60(b)(6) may not be used as a vehicle for reconsideration of a judgment or matters properly addressed by means of appeal. *Amerada Hess Corp. v. Garabedian*, 416 Mass. 149, 156-157 (1993) (Rule 60 does not provide for general reconsideration of an order or a judgment, or an avenue for challenging alleged legal errors that are readily correctible on appeal.)

Mark C. Gildea

Date Filed 9/18/2026 9:36 AM
Superior Court - Plymouth
Docket Number 2683CV00541

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss. SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO.: 2683CV00541

JENNIFER McCABE; BRIAN ALBERT; COLIN ALBERT; and BRIAN HIGGINS,

Plaintiffs,

v.

KAREN READ and AIDAN KEARNEY

Defendants.

SPECIALLY ASSIGNED
TO HON. MARC C. GILDEA

DEFENDANT KAREN READ'S NOTICE OF APPEAL

Pursuant to Mass. R. App. P. 3, the doctrine of present execution, and the Anti-SLAPP Law, G.L. c. 231, § 59H, Defendant Karen Read hereby gives notice that she appeals from this Court's decision, docketed on September 14, 2026, denying her Motion for Reconsideration of this Court's Memorandum of Decision and Order on her Special Motion to Dismiss Pursuant to the Anti-SLAPP Law, G.L. c. 231, § 59H, and all related orders and endorsements.

Respectfully submitted,
KAREN READ,
By her attorneys,

/s/ Damon M. Seligson

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Date: September 18, 2026

Date Filed 9/18/2026 9:36 AM
Superior Court - Plymouth
Docket Number 2683CV00541

CERTIFICATE OF SERVICE

I, Damon M. Seligson, hereby certify that I provided a copy of this pleading to all counsel of record by electronic mail on this 18th day of September, 2026.

/s/ Damon M. Seligson
Damon M. Seligson (BBO# 632763)

33.51

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss. SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO.: 2683CV00541

JENNIFER McCABE; BRIAN ALBERT; COLIN ALBERT; and BRIAN HIGGINS,

Plaintiffs,

v.

KAREN READ and AIDAN KEARNEY,

Defendants.

FILED
COMMONWEALTH OF MASSACHUSETTS
SUPERIOR COURT DEPT. OF THE TRIAL COURT
PLYMOUTH COUNTY
JUL - 8 2026
Clerk of Court

DECLARATION OF BRIAN ALBERT IN SUPPORT OF OPPOSITION TO MOTIONS TO DISMISS

I, Brian Albert, on oath, hereby depose and state as follows:

1. I am a plaintiff in the above-captioned action. I have personal knowledge of all things stated herein.

2. On the evening of January 28, 2022, I was with friends at a restaurant and bar located in Canton, Massachusetts called The Waterfall Bar & Grille ("The Waterfall"). Towards the end of the night, John O'Keefe ("O'Keefe") and his girlfriend, Defendant Karen Read ("Read"), came to The Waterfall and socialized with my friends and me.

3. As The Waterfall was closing, I invited the individuals I was socializing with at The Waterfall to my home at 34 Fairview Road in Canton.

4. I never saw Read or O'Keefe enter my home at 34 Fairview Road that night, nor did I see either of them present in my home at 34 Fairview Road at any time that night.

5. I spoke with police investigators on January 29, 2022 and told them all of the foregoing. I also testified before a federal Grand Jury as well as a Grand Jury that was convened

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Superior Court - Plymouth
Docket Number 2683CV00541

in Norfolk County Superior Court. In addition, I testified at the first of two Norfolk Superior Court murder trials brought against Read. I told the truth in all of my statements and testimony.

6. I did not speak with Brian Higgins after he left 34 Fairview prior to learning that O'Keefe was discovered unresponsive on the front lawn of 34 Fairview at around 6:30 a.m. on January 29, 2022.

7. I have never been the target of any FBI investigation, nor have I ever been indicted, charged, or prosecuted for anything related to the death of O'Keefe.

SUBSCRIBED AND SWORN TO UNDER THE PENALTIES OF PERJURY THIS 7th DAY OF JULY, 2026.

/s/ Brian Albert
Brian Albert

CERTIFICATE OF SERVICE

I hereby certify that, on July 7, 2026, I caused to be served a copy of the foregoing by electronic mail upon the following:

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/s/ Kieran T. Murphy
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