

ROBERTA GOLDNER vs. MIL-DELL LIMITED; MANEJAMI CORP., d/b/a ETERNAL LIGHT
MEMORIAL GARDENS; MILTON LAVERNIA; ROBERT MANDELL; HERBERT C. MELIN;
and STEVE SOLOMON

Docket No.: 50-2006 CA 011773; FJVR Reference No. 09:4-39

Verdict Date: **March 2**, 2009; Publication Date: **April** 2009

TOPIC: Defense Verdicts - Funeral Home Negligence - Movement of Crypt

RESULT: For the Defendants. (verdict)

STATE: Florida

COUNTY: Palm Beach

JUDGE: Edward H. Fine

PLAINTIFF PROFILE: Age: 61

Sex: Female

Occupation: Teacher

PLAINTIFF ATTORNEY: George Bakalar and Joel Rothman of Seiden, Alder & Matthewman, P.A., Boca Raton; Gary S. Soter and Daniel T. Warshaw of Pearson, Soter, et al., Sherman Oaks, CA

DEFENDANT ATTORNEY: Orestes Perez and Alison B. Marshall of **Luks, Santaniello**, et al., Ft. Lauderdale

Cause Of Injury: Plaintiff's parents have been entombed in side-by-side crypts at Eternal Light Memorial Gardens in Boynton Beach since 1999. Plaintiff alleged that on October 16, 2006, she attended the funeral of a family member at Eternal Light and, while there, went to the mausoleum where her parents are entombed to visit their crypts. Plaintiff alleged that she visited her parents' crypts on a regular basis prior to this incident. On this date, she found that another name was written on the crypt cover where her father's name was previously located. Her mother's crypt cover had the appropriate name. Plaintiff became hysterical after seeing a different name on her father's crypt cover. The cemetery administrator attempted to determine the cause of the problem at the grave site. Plaintiff alleged that her father's body had been moved from the crypt where he was entombed in 1999. Defendants admitted that a mistake had occurred with the inscription. Neither the crypt seal nor the casket had any identification on them. DNA testing could not be performed due to Jewish law regarding disturbing the eternal peace of a loved one. Plaintiff alleged a cause of action for tortious interference with a dead body, intentional infliction of emotional distress, and negligence.

Nature Of Injury: Plaintiff alleged that she suffered severe emotional distress, psychological trauma, and depression. Plaintiff complained of a possible heart attack. Plaintiff treated for two years with a mental health counselor who testified that Plaintiff suffered emotional distress and depression as a result of this alleged

incident. Plaintiff complained of nightmares regarding the whereabouts of her father and inability to visit the cemetery.

PLAINTIFF EXPERT WITNESSES: Lisa Tetrault, Licensed Mental Health Counselor, Coral Springs

Editor's Note: This was a five-day trial. The jury was composed of five females and one male. The jury deliberated for thirty minutes. The court directed a verdict for Defendants on the tortious interference with a dead body claim. The court determined that there was no evidence that the remains of Plaintiff's father had been disturbed, touched, or moved since his entombment in 1999 and that he was in the same crypt since the date of his entombment in 1999. The jury returned a verdict on the remaining counts in favor of Defendants, finding no negligence. Defendants had offered \$ 10,000 to settle the matter prior to trial. Plaintiff demanded \$ 399,999 prior to trial and asked for \$ 250,000 at trial. All of the Defendants were consolidated under the name of Eternal Light to prevent confusion of the jury.