

**IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE
20TH JUDICIAL DISTRICT
AT NASHVILLE
PART III**

FILED

2020 FEB 28 PM 12:56

CLERK & MASTER
DAVIDSON CO. CHANCERY CT.

STATE OF TENNESSEE,)
ex rel. HODGEN MAINDA, solely in his)
official capacity as Commissioner of)
Commerce & Insurance,)
)
Plaintiff,)
)
v.)
)
GALILEE MEMORIAL GARDENS,)
JM&M SERVICES, INC.,)
LAMBERT MEMORIAL CO., aka)
LAMBERT MEMORIALS, INC.)
LAMBERT & SONS, INC.)
JEMAR LAMBERT, MARJE LAMBERT,)
and MARY H. LAMBERT, and ALL)
PERSONS ACTING IN CONCERT)
WITH THEM,)
)
Defendants.)

No. 14-102-III

D.C. & M

**COMMISSIONER'S MOTION TO TERMINATE RECEIVERSHIP OF GALILEE
MEMORIAL GARDENS AND FOR OTHER RELIEF**

Hodgen Mainda, Commissioner of the Department of Commerce & Insurance, as Receiver for Galilee Memorial Gardens (the "Cemetery" or "Galilee"), through his appointed Special Deputy Receiver, Receivership Management, Inc., files this Motion (the "Motion") seeking an Order terminating the Receivership of the Cemetery and for other relief. This Motion is being filed pursuant to the Court's Order entered on December 5, 2019 (the "December 5 Order").

As part of the process for winding down and terminating the Receivership, the Court, in its December 5 Order, instructed the Commissioner to file a Motion and Brief that addresses the "Improvement Care Trust Fund status and uses and other provisions of law" and identifies "any

remedy it contends is warranted in law and on the facts of this Cemetery when the termination occurs with or without a responsible owner being willing to take charge, and where, as here, no prior owners are connected to the Cemetery any longer and it cannot conduct business going forward.”

For the reasons discussed in the supporting memorandum of law filed contemporaneously with this Motion, the Commissioner moves the Court to enter an Order that:

(1) terminates the Receivership for the Cemetery and discharges the Commissioner as Receiver,

(2) authorizes the expenditure of income generated from the Cemetery’s improvement care trust fund (the “ICTF”) to provide limited improvement care services for the Cemetery following termination of the Receivership,

(3) approves the hiring of Red and Blue LLC, a Tennessee limited liability company, to serve as responsible party under Tenn. Code Ann. § 46-1-204(e) for providing post-receivership improvement care services at the Cemetery to be funded by the ICTF,

(4) authorizes Commercial Bank and Trust of Paris, Tennessee to continue serving as trustee of the Cemetery’s ICTF pursuant to the guidelines established by the Court in its Order terminating the Receivership,

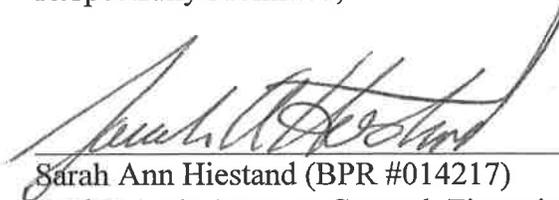
(5) at the conclusion of the Receivership, divests title to the grounds at Galilee Memorial Gardens out of the Commissioner as Receiver and reaffirms and makes permanent the injunction against the Defendants taking any further action with regard to Galilee.

(6) provides for the preservation and maintenance of certain burial records of the Cemetery.

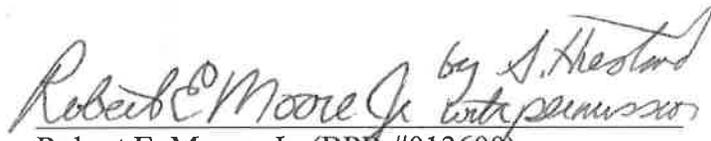
The requested relief is necessary and justified for concluding the Receivership.

WHEREFORE, the Commissioner, in his capacity as Receiver of the Cemetery, requests the entry of an Order granting the relief requested in this Motion and such other legal and equitable relief as may be appropriate.

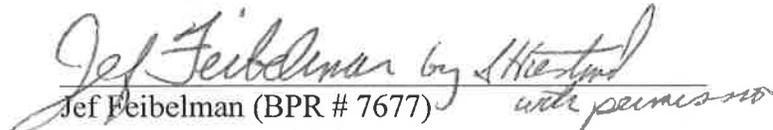
Respectfully submitted,



Sarah Ann Hiestand (BPR #014217)
Senior Ass't Attorney General, Financial Division
C. Scott Jackson (BPR #011005)
Deputy Attorney General, Financial Division
Timothy R. Simonds (BPR #013952)
Senior Ass't Attorney General, Financial Division
Tennessee Attorney General's Office
P.O. Box 20207
Nashville, TN 37202
(615) 741-6035; 615-532-8223 (fax)
e-mail: Sarah.Hiestand@ag.tn.gov;
Scott.Jackson@ag.tn.gov;
Timothy.Simonds@ag.tn.gov



Robert E. Moore, Jr. (BPR #013600)
President, Receivership Management, Inc.
Special Deputy Receiver
Galilee Memorial Gardens
510 Hospital Drive, Suite 490
Madison, TN 37115
(615) 370-0051 (phone); (615) 373-4336 (fax)
email: rmoore@receivermgmt.com



Jef Feibelman (BPR # 7677)
Burch, Porter, and Johnson
130 North Court Avenue
Memphis, TN 38103
(901) 524-5109; 901-524-5024 facsimile
e-mail: jfeibelman@BPJLAW.com
Special Counsel to the Receiver

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Motion to Terminate Receivership has been mailed First Class Postage prepaid to the following interested parties and attorneys requesting notice and transmitted via email this 28th day of February, 2020:

Robert D. Meyers
Danielle Rassoul
Glankler Brown, PLLC
6000 Poplar Avenue, Suite 400
Memphis, TN 38119
Ph: 901-525-1322 fax 901-525-2389
Via email to rmeyers@glankler.com; drassoul@glankler.com

Attorneys for Intervenor, Shelby County, Tennessee

Emily Walker, CTFA, VP & Trust Officer
Commercial Bank & Trust Company *Certified Mail*
Trust Division
P.O. Box 1090
Paris, TN 38242
Via email to EWalker@cbtenet.com
Trustee of Trusts for Galilee Memorial Gardens

Douglas Berry
Miller & Martin
401 Commerce Street, Suite 720
Nashville, TN 37219
615 744-8620; Doug.Berry@millermartin.com

For City of Bartlett, requesting notice of proceedings

Jemar Lambert
3174 Ruby Cove
Memphis, TN 38111

Marje Lambert
3174 Ruby Cove
Memphis, TN 38111

Mary H. Lambert
3174 Ruby Cove
Memphis, TN 38111

Individual Defendants in Receivership case, pro se

Handel R. Durham, Jr.
Jonathan Mosley

22 North Front Street, Ste. 760
Memphis, TN 38103
ph: 901.543.0866 fax: 901.543.0865
Via email to hdurham@durhamslaw.com; jonathan.mosley@jtmosleylaw.com

Coleman Garrett
295 Washington Av, Suite 2
Memphis, TN 38103
Via email to cwgarrett@bellsouth.net

Counsel for Lamberts in Shelby County cases

Courtesy Copy to:

Kathryn E. Barnett
MORGAN & MORGAN-NASHVILLE, PLLC
810 Broadway Suite 105
Nashville, TN 37203
Phone: (615) 490-0943
Via email to kbarnett@forthepeople.com

Howard B. Manis
THE COCHRAN FIRM
One Commerce Square
40 South Main Ste. 1700
Memphis, TN 38103
Phone: (901) 523-1222
Via email to hmanis@cochranfirmmidssouth.com

Class Counsel (Plaintiffs *Wofford* case-Shelby County)

John R. Branson
Jacob A. Dickerson
Baker, Donelson, Bearman, Caldwell & Berkowitz
First Tennessee Building
165 Madison Avenue, Suite 2000
Memphis, TN 38103
(901) 526-2000
Via email to jbranson@bakerdonelson.com
Defense Liaison for Funeral Homes in Shelby County Class cases

Brent M. Hays, Esq.
MerrittWebb
315 Centerview Drive, Suite 263,
Brentwood, TN 37027

Person requesting notice of proceedings.


SARAH ANN HIESTAND