

In the Matter Of:
STATE OF TENNESSEE vs
GALILEE MEMORIAL GARDENS
14-102-II(III)

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PROCEEDINGS
April 23, 2019



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Proceedings - April 23, 2019

1 IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE
2 TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY

3 STATE OF TENNESSEE, ex rel.)
4 JULIE MIX MCPEAK, solely)
5 in her official capacity as)
6 Commissioner of Commerce &)
7 Insurance,)
8)
9 Plaintiff,)
10 vs.) No. 14-102-II(III)
11 GALILEE MEMORIAL GARDENS,)
12 JM&M SERVICES, INC., LAMBERT)
13 MEMORIAL CO., aka LAMBERT &)
14 SONS, INC., LAMBERT & SONS,)
15 INC., JEMAR LAMBERT, MARJE)
16 LAMBERT and MARY H. LAMBERT,)
17 and ALL PERSONS ACTING IN)
18 CONCERT WITH THEM,)
19)
20 Defendants.)

21 April 23, 2019
22 HONORABLE ELLEN HOBBS LYLE

23 BE IT REMEMBERED, that the
24 above-captioned cause came on to be heard, on
this, the 23rd of April 2019, beginning at
approximately 1:00 p.m., before the HONORABLE
ELLEN HOBBS LYLE, Chancellor presiding, when and
where the following proceedings were had:

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2

1 A P P E A R A N C E S

2 ATTORNEYS PRESENT:

3 JEF FEIBELMAN, ESQ.

4 Burch Porter and Johnson

5 130 North Court Avenue

6 Memphis, Tennessee 38103

7 901-524-5000

8 C. SCOTT JACKSON, ESQ.

9 SARAH HEISTAND, ESQ.

10 Office of Attorney General and

11 Reporter

12 425 Fifth Avenue North

13 Nashville, Tennessee 37243-0485

14 615-741-3491

15 HOWARD MANIS, ESQ.

16 The Cochran Firm

17 One Commerce Square, Suite 1700

18 Memphis, Tennessee 38103

19 901-523-1222

20 RECEIVER:

21 ROBERT MOORE

22

23 COURT REPORTING FIRM:

24 ALPHA REPORTING CORPORATION

 Valerie Hall Gilliam, LCR

 236 Adams Avenue

 Memphis, Tennessee 38103

 (901) 523-8974

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4

1 and the recommendation that I have before me from

2 the State of Tennessee is to close the cemetery.

3 With that recommendation on the table,

4 the receiver asked me, he said, Chancellor Lyle,

5 will you please hold a hearing and listen to

6 people who would be affected by the closure so

7 you can understand what this would entail, what

8 it would mean? And so that is why I'm here this

9 afternoon.

10 To participate, you had to file a card

11 with the Court in Nashville with my Clerk and

12 Master, saying that you would participate. I've

13 got the cards with me. I've made a roll. What

14 I'm going to do, I'm going to call the roll.

15 When you hear your name called, just raise your

16 hand or say "here," so I'll have an idea of how

17 many persons actually will participate. And then

18 after that, I will call your name and if you will

19 come forward and you can just stand right here.

20 You can come up to the bench, you can address

21 your fellow citizenry however you want to.

22 Because of the number of people who've

23 asked to speak this afternoon, I'm going to ask

24 you each to limit your comments to five minutes.

3

1 (P R O C E E D I N G S)

2 (1:00 p.m.)

3 THE COURT: Good afternoon.

4 AUDIENCE MEMBERS: Good afternoon.

5 THE COURT: I am Chancellor Ellen Hobbs

6 Lyle.

7 Can you all hear me? Everybody hear

8 pretty well? Sometimes my voice will get soft,

9 so I'll try to speak up this afternoon.

10 I have been assigned this case. I've

11 been working on it for a while. The assignment

12 was given to me by statute. It's a code section

13 that has to do with cemeteries that vest the

14 authority concerning this matter in a chancellor

15 for Davidson County. So that's why I'm here and

16 I'm the person that's presiding.

17 Let me tell you how we're going to

18 proceed. This hearing is designed solely for me,

19 the Court, to hear from persons that are affected

20 by events that have been going on in the

21 cemetery. You all are close to this situation

22 and so you know that a receiver had to be

23 appointed to take over the cemetery. Now all of

24 that is being completed and we're winding down,

5

1 I will be taking notes. We also have a court

2 reporter. When you start speaking, if you would

3 say your name, that would be helpful.

4 All right. At this time, let me quickly

5 just call the roll of the people who requested to

6 participate and raise your hand or just say

7 "present" so I'll know who's here.

8 (CHANCELLOR SPOKE WITH THE SHERIFF'S

9 DEPUTY OFF THE RECORD.)

10 THE COURT: Okay. I'm going to pull

11 this forward. Is that better? Is that better?

12 Can they hear outside now?

13 Did you all get most of that or do I

14 need to repeat it?

15 Okay. The bottom line is right now, I'm

16 going to call roll on the persons who asked to

17 participate to see who's here. Then after that,

18 I'll call your name and you can come forward.

19 Do the folks outside, do they know

20 what's going on?

21 SHERIFF'S DEPUTY: Yes.

22 THE COURT: Good. Okay. Thank you.

23 All right. Myesha Beech? Tommy Bond?

24 Latria Childs or Dorothy Gray? Eileen Cogbill?

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1 Leroy Davis? Vickie Davis?
 2 All right. Ms. Davis, you'll be our
 3 first to speak. I'll come back to you. Thank
 4 you for being here.
 5 L. Duckworth?
 6 MS. DUCKWORTH: Present.
 7 THE COURT: All right. You'll be next.
 8 Thank you.
 9 Eddie Gill? Excellent. Got you on
 10 here.
 11 Ernestine Glass, Floretta Lewis, Marcus
 12 McCoy and William Glass? You are Ernestine
 13 Glass?
 14 MS. GLASS: Yes, ma'am.
 15 THE COURT: All right. Ms. Gloria
 16 Harris? Mary Rucker? Claire Holmes? Martha
 17 Holmes? Rebecca Davis Jamerson? Leslie O. Jones
 18 and Leonard Chism? Melvin and Young Jones?
 19 Walter Jones? Rodney Jordan? Allen and Estella
 20 Kelley?
 21 That was Rodney Jordan? Did I miss you?
 22 They're out in the -- great, out in the overflow,
 23 okay.
 24 SHERIFF'S DEPUTY: The one before that.

8

1 MS. PHILLIPS: Here.
 2 THE COURT: Carol Price?
 3 MS. PRICE: Here.
 4 THE COURT: Abdul Rashad?
 5 MR. RASHAD: Here.
 6 THE COURT: Thank you.
 7 Elmerie Rossen?
 8 MS. ROSSEN: Here.
 9 THE COURT: All right. Mildred Stiger?
 10 Stiger, I may be saying it wrong. Stiger? No?
 11 Roosevelt and Delores Summers?
 12 MR. SUMMERS: Present.
 13 THE COURT: Okay. Viola Woody Taylor?
 14 SHERIFF'S DEPUTY: Taylor is outside,
 15 Your Honor.
 16 THE COURT: Taylor is outside in
 17 overflow, okay.
 18 All right. Billy J. Walker? Overflow?
 19 Nelly Walton? Mark Webb, Senior?
 20 Harriet W. Young?
 21 MS. YOUNG: Here. May I use a
 22 substitute my daughter?
 23 THE COURT: Yes, ma'am. You sure may.
 24 Thank you.

7

1 THE COURT: Walter Jones, okay.
 2 MR. JONES: Present, ma'am.
 3 THE COURT: Walter Jones and Leslie
 4 Jones in the overflow, okay. Got it.
 5 What about Melvin Jones? No, but we
 6 have Mr. Walter Jones. Yes.
 7 Okay. And then Rodney Jordan? Was that
 8 an overflow or no? No. Okay.
 9 Allen and Estella Kelley?
 10 MS. KELLEY: Present. Present.
 11 THE COURT: In the overflow? Oh, there.
 12 Got it.
 13 Okay. Sadie King? Solomon Lurry?
 14 MR. LURRY: Here.
 15 THE COURT: Here. Ladell and Diane
 16 Macklin?
 17 MR. MACKLIN: Here.
 18 THE COURT: All right. Marvin Jackson
 19 and Malone and Patricia Jackson? No.
 20 Deborah McCann?
 21 MS. MCCANN: Here.
 22 THE COURT: Jerry Miles? Johnny Morrow?
 23 Halimah Muhammad? Robert Pendleton? Perlean
 24 Peters? All right. Juanita Phillips?

9

1 All right. At this time then, we will
 2 proceed. And we're going to start with Tommie
 3 Bond. If you would come forward, please. Tommie
 4 Bond? No?
 5 Okay. Vickie Davis?
 6 Ms. Davis, would you rather sit than
 7 stand? You're welcome to.
 8 MS. DAVIS: I can stand, but I don't
 9 know how long.
 10 THE COURT: You can come closer if you
 11 want to, so you can be heard.
 12 Does that microphone work over there?
 13 Can we pull that forward?
 14 All right. Ms. Davis, so if you will
 15 just tell the Court the comments that you would
 16 like to make concerning the issue that's before
 17 me.
 18 MS. DAVIS: In May of 2000, my
 19 husband --
 20 THE COURT: And let me ask you to do
 21 this, if you don't mind. Can we turn it so I can
 22 see her? So we can have eye contact. Yes. Oh,
 23 perfect.
 24 Okay. Does that work for you,

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10

1 Ms. Davis? That works for me.

2 MS. DAVIS: That's fine.

3 THE COURT: Okay. Thank you. And let's

4 do this. Let's give her something so she can --

5 do you have some books or something just so

6 people can put their papers on there, see them

7 better?

8 MR. MANIS: Your Honor, I'll give them

9 this seat. There's microphone right here. That

10 may be the easier way --

11 THE COURT: They may want to stand up.

12 MS. DAVIS: I would prefer to stand

13 right here.

14 THE COURT: All right. Just a minute.

15 If you'll give her -- just put those two books so

16 she can put her papers on.

17 Okay. All right, Ms. Davis. Is that

18 better?

19 MS. DAVIS: Yes.

20 THE COURT: All right. You may proceed.

21 MS. DAVIS: In May of 2000, my husband

22 lost his life in an automobile accident. We

23 lived in Madison County, Jackson, Tennessee.

24 Bledsoe Funeral Home transported his body here to

12

1 then that everything was going to heck in a hand

2 basket. I didn't know what to do, but I knew I

3 had to have him removed before it got too bad.

4 And then I got this paper that said

5 Notice of Hearing for Galilee Memorial Gardens.

6 And down on this paper, it said to preserve the

7 sanctity of graves, burial should be prohibited,

8 disinterment of remains should be prohibited

9 because who's buried where is not certain and

10 proper notice cannot be given to relatives of

11 those buried.

12 On the website that they have listed --

13 as I said, my husband was buried in the Garden of

14 Prayer -- they show Pastor LE Davis, who is my

15 husband, his mother and father and right before

16 that occupied, no marker, which is his aunt. And

17 right behind that occupied, no marker.

18 So what I'm asking because they say that

19 they don't want to disturb anybody, his brothers,

20 which are still alive and his sister say it's

21 okay, I won't be disturbing anybody but family,

22 so please allow me to disinter the love of my

23 life and have him buried in a decent place.

24 Please allow me to do that. That's all I ask.

11

1 Memphis. His family had seven plots in Galilee

2 Memorial Gardens. He was buried in the Garden of

3 Prayer, which is at the very back of the

4 cemetery, directly in front of the office and

5 right at the roadway heading back up toward the

6 front.

7 I came to visit him and clean his grave

8 site each month because my doctor was in that

9 area. I never saw any tampering or disturbances

10 in that particular area or near that place.

11 Several times later, though, in years

12 later, I did see something that disturbed me, but

13 I didn't understand. Right across the roadway

14 where he was buried, there was a dumpster, and it

15 was full of broken coffins. I didn't understand

16 why then and I wish I could unsee it now.

17 Behind me at that time, there were blue

18 tents. I thought, they're having a lot of

19 business and, yeah, they sure were. Those

20 coffins attested to that.

21 And then just before the turmoil started

22 and pandemonium broke out, I found out what was

23 going on at Galilee, so I went out and I

24 purchased two plots. I found out right before

13

1 Thank you.

2 THE COURT: And Ms. Davis, let me ask

3 you a question. So what you've done is you've

4 purchased a couple of plots in another cemetery.

5 MS. DAVIS: Yes.

6 THE COURT: And you told me in the

7 beginning that you would go and keep the grave

8 and it's your impression that there wasn't

9 anything disturbed out there, so you feel fairly

10 certain that that is your husband, that's why you

11 told me that?

12 MS. DAVIS: Yes.

13 THE COURT: Because you know that they

14 did not document where they buried folks and it's

15 been hard for the receiver to know with certainty

16 who is where. But you're telling the Court based

17 on your observation, nothing was disturbed,

18 you've got the listing there and that's what

19 you're seeking is disinterment.

20 MS. DAVIS: Thank you. That's exactly

21 what I'm saying.

22 THE COURT: All right. Thank you so

23 much, Ms. Davis. You need help getting to

24 your -- okay.

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1 MS. DAVIS: Thank you.
2 THE COURT: Thank you.
3 All right. Duckworth. L. Duckworth?
4 Yes, ma'am. If you'll come forward, please. And
5 if you would just follow the same procedure,
6 Ms. Davis did. Thank you.
7 MS. DUCKWORTH: My name is Lydia
8 Duckworth, and I'm coming to you on behalf of
9 many relatives that I have buried in Galilee
10 Cemetery. My mother was buried back in 1958, and
11 I had a sister buried as recently as 2013. And I
12 would like to visit the cemetery. The last time
13 I went out there, I could not visit. I have also
14 purchased two graves in Galilee, so I don't know
15 what will happen to that. I guess nothing.
16 But basically, I want to know what --
17 closing of the cemetery, what would that do to
18 our visitation rights?
19 THE COURT: And that is one thing that I
20 will have to determine and why we're having the
21 hearing today. And let me ask you about that.
22 It will all depend on what sort of arrangements
23 can be made to keep up the cemetery. We're not
24 sure how we're going to do that. We're working

16

1 the cemetery. That's going to be an arrangement
2 because of cost. And we want to have visitation,
3 but it may have to be restricted. So for you,
4 that would not be an issue, but it could be for
5 other folks.
6 MS. DUCKWORTH: Yes.
7 THE COURT: Okay.
8 MS. DUCKWORTH: And also, my mother
9 grave and my grandmother grave had markers on
10 them. I don't see them anymore. And my sister's
11 grave, we purchased a marker, but it was never
12 placed on her grave.
13 THE COURT: What is -- what are the
14 names where there used to be markers?
15 MS. DUCKWORTH: Viola Bailey Freeman.
16 THE COURT: All right.
17 MS. DUCKWORTH: And Lydia Freeman.
18 THE COURT: And then the other one you
19 purchased, but it's not there.
20 MS. DUCKWORTH: It's not name. Her name
21 is Brenda Freeman.
22 THE COURT: Yeah. And I'm not sure that
23 there will be a remedy for that, but I've taken
24 it down. Okay. All right.

15

1 on it. But if the Court were to set certain days
2 and times that it would be open, would that be
3 something then that you could do? We would try
4 to do it -- you know, I'm not sure we can keep it
5 open all the time, that's what I'm saying, so it
6 might have to be a restricted schedule. Tell me
7 how that -- what your response is to a restricted
8 schedule? How often would you need it, you know,
9 open? Is it better to have it open on a weekend?
10 Is it better to have it one day a week, two days
11 a week? Tell me what would work in that regard.
12 MS. DUCKWORTH: A restricted schedule
13 would work for me, but I don't know about other
14 people.
15 THE COURT: Right.
16 MS. DUCKWORTH: Weekends or during the
17 week, either one would work fine --
18 THE COURT: Okay.
19 MS. DUCKWORTH: -- for me.
20 THE COURT: But you don't have a
21 sense -- I'll ask other people when they come up
22 to inquire about visitation. I'm not sure how
23 we're going to be able to arrange that because
24 we're going to have to find somebody to keep up

17

1 MS. DUCKWORTH: And I know exactly where
2 my mother was buried.
3 THE COURT: All right. And do -- do you
4 have that information or did you file it with the
5 state or put it on your card that you sent in
6 with me? I can look.
7 MS. DUCKWORTH: No, I didn't put where
8 she was buried on the card.
9 THE COURT: Do you know the space? Do
10 you know that?
11 MS. DUCKWORTH: I don't know a number or
12 anything. I know where it's located.
13 THE COURT: You could take somebody
14 there --
15 MS. DUCKWORTH: Yes.
16 THE COURT: -- but in terms of saying,
17 it's in the Garden of Prayer, number whatever,
18 you're not sure.
19 MS. DUCKWORTH: She was buried in 1958,
20 so she was buried out farther from -- from the
21 build -- the building that you all were talking
22 about previously.
23 THE COURT: All right. Anything else?
24 MS. DUCKWORTH: No. I guess that's it.

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18
1 Thank you.
2 THE COURT: Thank you, Ms. Duckworth.
3 MS. DUCKWORTH: Okay.
4 THE COURT: All right. Eddie Gill?
5 Eddie Gill? Good afternoon.
6 MS. GILL: Good afternoon, Your Honor.
7 THE COURT: Yes, ma'am.
8 MS. GILL: My name is Eddie Gill.
9 THE COURT: Eddy, I'm sorry. I
10 mispronounced it. They had it Eddie on here.
11 MS. GILL: It's E-D-D-Y-E, so it's a
12 little confusing.
13 THE COURT: E-D-D-Y-E, thank you. Yes,
14 ma'am.
15 MS. GILL: My name is Eddy Gill. I'm
16 representing my husband Lindsey Gill as well as
17 our family members who are unable to make visits
18 as an expression of our love to six loved ones
19 who are buried at Galilee Memorial Gardens. Our
20 burials go back 58 years ago when my grandfather
21 was buried there. The last of our loved ones to
22 be buried at Galilee was my mother in February of
23 2002. However, it doesn't end there with our
24 family because the late Jesse Lambert was so

20
1 want to do is to be able to visit my loved ones
2 that are buried there. I don't want my body
3 there. Thank you.
4 THE COURT: Let me ask you a question,
5 Ms. Gill. You heard my discussion with
6 Ms. Duckworth --
7 MS. GILL: Uh-huh.
8 THE COURT: -- that we're trying to make
9 arrangements for the maintenance of the cemetery
10 and we want to make determinations about
11 visitation. If there is visitation, it's likely
12 it would be a restricted schedule. Do you have
13 any input you want to give the Court on
14 recommendations as to what would be helpful to
15 you on that?
16 MS. GILL: We would be able to go pretty
17 much any time.
18 THE COURT: Okay. So you're --
19 MS. GILL: We're retired and we would be
20 able to go any time.
21 THE COURT: Okay.
22 MS. GILL: Yes. Right.
23 THE COURT: And before, I know for -- my
24 folks are buried in Nashville, they won't let

19
1 thoughtful and took such good care of the
2 cemetery grounds, my husband and I decided to
3 purchase burial lots in 2005.
4 We had encouraged my brother and
5 sister-in-law to do the same thing. Thank God,
6 they did not do this after the horrific act
7 happened. It saddens my heart knowing that I
8 can't honor my mom's memories by placing flowers
9 on her grave site as well as my other deceased
10 family members buried there. No amount of money
11 can take away the heartache and sadness that has
12 dwelled with us.
13 THE COURT: Just take your time,
14 Ms. Gill. This is a hard, hard thing, so just
15 take your time. And if you want to come back up,
16 you can.
17 MS. GILL: Okay.
18 THE COURT: Just take a minute.
19 MS. GILL: No amount of money can take
20 away the heartache and the sadness that has
21 dwelled with us since this horrible occurrence.
22 Yes, we want something done about it as well as
23 we'd love to have our money back because we
24 purchased other burial sites. The only thing I

21
1 you -- they won't let you put real flowers there.
2 They'll take them up. Before was it the practice
3 in the cemetery that you could put real flowers?
4 MS. GILL: Yes.
5 THE COURT: Do you have vases there or
6 is it --
7 MS. GILL: There were vases there.
8 THE COURT: There were vases, okay.
9 MS. GILL: And all of my relatives are
10 buried in the older part, so I -- I haven't been
11 out there since the restriction. I do have a
12 friend that has gone out there and has cut the
13 grass around his father's grave site. So I said,
14 well, I thought you couldn't enter. And he said,
15 well, the policeman don't say anything, so that's
16 what he's done.
17 THE COURT: Let's not hear any more
18 about that. Remember, this is court, so --
19 MS. GILL: So we've not gone. We've not
20 gone. Strike that. Take that out.
21 THE COURT: That's right.
22 MS. GILL: But we have not gone out
23 there since, you know, the restriction.
24 THE COURT: He who shall not be named --

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22

1 MS. GILL: Never.
2 THE COURT: -- has. But, you know, in
3 terms of the flowers, it is -- it is hard to
4 maintain. I know that with the cemetery my folks
5 are, it is harder to maintain if you do put
6 flowers.
7 MS. GILL: And I often think about the
8 fact that my mother was a florist. And we never,
9 ever missed a holiday or a birthday.
10 THE COURT: Yes.
11 MS. GILL: And of course, when we put
12 flowers on her grave site, we would put flowers
13 on my grandfather, my grandmother, my two aunts
14 and my uncle. So it's -- it's very hard. Every
15 holiday, I --
16 THE COURT: Yes. So holidays are
17 important. Of course, that would be a difficult
18 time --
19 MS. GILL: And anniversaries.
20 THE COURT: -- to have it open, but --
21 MS. GILL: Right.
22 THE COURT: All right. Thank you very
23 much.
24 Ernestine Glass. Good afternoon.

24

1 don't know enough. This is my very first
2 hearing, and I'm very glad to be able to come
3 before you Chancellor Lyle and hear some of my
4 concerns.
5 I have -- first concern, obligations. I
6 want to know what obligations -- what obligations
7 does the state have in keeping this kind of thing
8 from happening again? I'm afraid to say
9 anything. Whoever thought --
10 THE COURT: And I can answer that --
11 that pretty quickly. The book that's down there
12 that we've got the papers on, that green book, it
13 has the law in it about cemeteries. And what the
14 State of Tennessee has done is laws have been
15 passed to regulate cemeteries, and they have
16 people in the Attorney General's office and other
17 boards that monitor that. And there are certain
18 requirements that you have to have monetary and
19 you have to file reports with the state.
20 And so what happens then is the state is
21 watching, they're monitoring. And what's
22 difficult about it is for them to get in there in
23 time and salvage a situation. I handle
24 cemeteries all over the state. They all are

23

1 MS. GLASS: Good afternoon. And good
2 afternoon, neighbors. I am Ernestine Williams
3 Glass. My parents are buried in Galilee Memorial
4 Cemetery. My father has been there 40 years or
5 more. We bought our plots in 1970, June 1970.
6 My mother was buried there in 2008, February 3rd,
7 2008. My father is Mr. Ernest Williams. My
8 mother is Ms. Robilia Williams. And I stand
9 before you now to represent the families, my
10 family, my siblings, some cousins, some friends,
11 classmates, who are buried in that cemetery.
12 Now my mother struggled to pay for it.
13 She paid for the plots, three plots. In 1971,
14 she had finished. She had one year to complete
15 the payment.
16 Ms. Robilia Alexander Williams kept her
17 promise to the owners of that cemetery. She did
18 not disrupt, place anything there that she didn't
19 have to and she paid her bill. I have every
20 check that she wrote. Everything that she did
21 concerning Galilee, I have it.
22 I come here with a sad heart to know
23 that I have to stand here and speak for them. I
24 don't have a whole lot of conclusions because I

25

1 handled in Davidson County. We've had them all
2 over the state. And in some situations, the
3 state is able to get in there and take hold of
4 the situation and what we call rehabilitate the
5 cemetery where they can get the owners out or get
6 them back to what they should be doing and we've
7 rehabilitated some. Or others, we've sold to new
8 owners and they rehabilitate. And some we've
9 auctioned. Some, churches have taken over.
10 I think, you know, the problem is that
11 this cemetery was -- the situation was -- was bad
12 in terms of not keeping records where people were
13 buried and also in the financial aspect of it.
14 And by the time the state came in, it was -- it
15 was in a bad situation.
16 MS. GLASS: Yes.
17 THE COURT: And so you ask yourself --
18 I've asked myself the same question, you know,
19 how did it get like this? How did it happen?
20 The problem is the state -- you know, it is like
21 law enforcement, how do they know? I mean, they
22 watch people file reports. One thing that
23 happened in this case, a number of different
24 corporate names were used. We went through that

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1 in court a couple of weeks ago. I don't know.
2 There were maybe five or six different names that
3 were used. Also, when the younger part of the
4 family took it over, there was, you know, a
5 disconnect there.
6 MS. GLASS: Yes.
7 THE COURT: And so that's where we are.
8 But I do want to assure you that there is law on
9 the books and there are people in place who
10 regulate this. And the key, of course, is
11 getting in there on time. And the other thing is
12 money. I mean, the State of Tennessee, will they
13 devote money to things like this? We spent
14 over -- in this cemetery alone, it is over
15 \$200,000 that the state has spent --
16 MS. GLASS: Yes.
17 THE COURT: -- on this cemetery. So I
18 want you to know that there are people that are
19 doing their job on the cemeteries across the
20 state. And this one, you know, is -- is -- I
21 mean, it's a terrible situation. I'm talking too
22 long. I should limit myself to five minutes.
23 MS. GLASS: Well, thank you very much,
24 because you answered some of the questions. My

28

1 some local offices, you know, different -- in
2 other counties, we've done things with, like I
3 say, churches or sheriff's departments. But that
4 piece of it, we're working on it.
5 MS. GLASS: Okay.
6 THE COURT: There is law that requires
7 it to be at least be kept up. I mean, that's a
8 minimum, but --
9 MS. GLASS: All right. That answers
10 that question generally and I will be concerned
11 about it later.
12 Moving along, I am also concerned about
13 visitation. That's the second thing that we're
14 concerned about right now. And my question is:
15 Will the cemetery be open periodically on a
16 weekly basis or holidays or what? Have you
17 decided what that would be?
18 THE COURT: I have not decided. And
19 that was part of the reason for the hearing today
20 so I could get information from people who want
21 to visit the cemetery. Part of it will be
22 resources. Once we know how we're going to
23 maintain it, then we'll make a determination.
24 I'll know whether we can have visitation. And if

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1 maybe next question -- and, of course, the big
2 concern is, will this happen again, you know?
3 And how long will the state support the cemetery?
4 For instance, 50 years from now, I expected my
5 parents to be okay and in a safe place. Will the
6 state do it for five years or 10 years and then
7 drop it?
8 THE COURT: What will happen is under
9 the law, the state cannot continue to do what
10 they're doing now at the cemetery. It is like --
11 it is like a bankruptcy. A person is appointed a
12 receiver and they go in and they fix up what they
13 can, like we've tried to document where there are
14 persons who have been buried. We've tried to
15 attach those with names. We've tried to maintain
16 the cemetery. We've, you know, done all that.
17 But when the state finishes that, then at that
18 point, the cemetery is either turned over to
19 someone else, they will buy it or it's closed and
20 we have to find someone who will keep it in good
21 condition because in the State of Tennessee,
22 there are laws that cemeteries have to be sacred
23 and maintained. And so that piece of it, we're
24 working on. We're hoping we can partner with

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1 it's restricted, then I'll have to make decisions
2 about when would we do it. But I wanted to hear
3 from people here to know what they need in terms
4 of visitation so I can match that up with
5 whatever resources we find. You've heard me talk
6 with --
7 MS. GLASS: Yes, I did.
8 THE COURT: -- other people.
9 MS. GLASS: I heard that and --
10 THE COURT: Tell me --
11 MS. GLASS: I'm going to say this that
12 many of us are out of town. For instance, I had
13 to travel here.
14 THE COURT: Yes.
15 MS. GLASS: My sister who's here, she
16 had to come from somewhere else. None of the --
17 my siblings live here, so that is a big concern.
18 THE COURT: Yes.
19 MS. GLASS: My final concern is this:
20 If we choose to disinter, for disinterment, what
21 is the procedure?
22 THE COURT: And that is something that
23 is before me, whether we are going to even be
24 able to let people disinter. And here's the

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1 issue on that. Because the cemetery did not keep
2 good records and because in some situations, they
3 put persons -- more persons than were supposed to
4 be put in a space, if there was disinterment, it
5 might not be the person that you think it's
6 supposed to be. You heard --
7 MS. GLASS: Yes.
8 THE COURT: -- Ms. Davis tell me, she
9 gave me testimony --
10 MS. GLASS: Yes.
11 THE COURT: -- about how she had watched
12 and she thought her area had not been disturbed
13 and what she knew about her husband. In many of
14 the locations, we don't have that kind of
15 evidence. We have evidence to the contrary. So
16 that is an issue. What is your --
17 MS. GLASS: I think that -- I think that
18 we know where our parents are. We have visited
19 the cemetery many times. We have one space that
20 is not taken. We only had three lots. My
21 parents are there, both of them. But we have
22 visited the cemetery. We think we know. I have
23 a deed here that tells exactly where they are.
24 And we would like to consider disinterment.

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1 THE COURT: I see. So it would be a
2 wall that would have names.
3 MS. HINGE: Names, just like the wall we
4 have in DC with deceased Veterans that --
5 THE COURT: Yes.
6 MS. HINGE: -- they don't know what
7 happened or they bombed out, they don't have the
8 bodies.
9 THE COURT: Yes.
10 MS. HINGE: So for people here that
11 don't know where their relatives are, their names
12 would be on the wall. And at least, we could
13 just go and know he's in there, you know. So
14 please forgive me. I'm going to --
15 THE COURT: Thank you.
16 MS. HINGE: My son and I both been back
17 there crying ever since we started hearing these
18 people. It really hurts.
19 THE COURT: I know.
20 MS. HINGE: That's what I have to say.
21 Thank you very much.
22 THE COURT: Thank you. That was very,
23 very valuable.
24 MS. HINGE: Would that be able to

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1 THE COURT: All right.
2 MS. GLASS: Thank you.
3 THE COURT: Thank you very much.
4 At this time, the Court will hear from
5 Neta Hinge. Good afternoon.
6 MS. HINGE: Good afternoon. And thank
7 you very much for calling me. I don't know what
8 happened to my letter, but I did send it in. And
9 good afternoon to everyone here. My name is Neta
10 Hinge, and I buried my husband, Donald E. Hinge
11 in Galilee in 1996, and we don't know where he
12 is.
13 And the question I have is going to be
14 very brief. Since we do not where he is, he has
15 10 grandkids that I would like for them to go
16 out, but they can't. Can we construct a wall or
17 something in memory of the people that don't know
18 where their relatives are? And at least we'll
19 have something there with their name on it. We
20 know he's out there, but where?
21 THE COURT: Yes. And then that would
22 give you at least a place to go to because you
23 know --
24 MS. HINGE: He's there.

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1 happen? I know you have to make a decision.
2 THE COURT: Well, I had never had that
3 presented to me. And it's -- I'm thinking about
4 resources, what it would cost, where we would get
5 the money, et cetera. But, yes. I will
6 certainly consider that. I'll have to talk to
7 the receiver. And the receiver is over there,
8 saying uh-oh, Chancellor Lyle has got this wish
9 list that we're going to be over there. But the
10 money is the problem. We don't have money, but
11 we'll -- you know, we'll see.
12 MS. HINGE: But are they going to fix
13 the area anyway to try to keep it sacred in
14 there?
15 THE COURT: It's my understanding -- and
16 I'm trying to recall from the receiver's last
17 report, but there has been a lot of fencing
18 that's been done. They've been repairing that.
19 I think you told me that had been completed.
20 Yeah. And so we've got that aspect of it done.
21 MR. MOORE: Your Honor, the cemetery has
22 been completely fenced and it's been set up to
23 protect.
24 THE COURT: The cemetery has been

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1 completely fenced. The last report that I had
2 from the receiver, we had discussed fencing, and
3 I thought he said it's complete, and he's
4 confirmed that it is. And that has been done to
5 protect what's in there.
6 MR. MOORE: One other thing, Your Honor.
7 We have brought the electronic records with us
8 today. And my assistant is here. Ms. Hinge, if
9 you want to, we will try and for anybody to give
10 you an idea of a map of what we think. We cannot
11 say for sure that this is where your husband is
12 buried. I wish I could.
13 MS. HINGE: We understand.
14 MR. MOORE: I wish I could. But I can
15 say it's in an area, it's in a range of places,
16 but that's about the best I can do.
17 MS. HINGE: All I want it is on the
18 fence.
19 MR. MOORE: Right. Yes, ma'am. But I
20 wanted to be able to tell you that we can tell
21 you what they recorded and where we best believe
22 it to be.
23 THE COURT: And Mr. Moore, would you
24 want to provide that this afternoon or after the

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1 THE COURT: Leslie O. Jones? Leslie O.
2 Jones. Leonard Chism? Okay. Walter Jones?
3 Walter Jones?
4 SHERIFF'S DEPUTY: I'll make an
5 announcement outside, Your Honor.
6 THE COURT: I thought Mr. Walter Jones
7 was out there.
8 Rodney Jordan? Okay. Good. All right.
9 Thank you.
10 Good afternoon. I'm sorry you can't
11 hear me that well out there. I'm talking softly.
12 I'll try to speak up.
13 MS. JONES: Permission to approach.
14 THE COURT: Yes, ma'am. If you would
15 just right there -- we've got a makeshift kind of
16 podium there.
17 MS. JONES: Yes. Thank you. I would
18 like to, first of all, thank you, Judge Dandridge
19 (sic) for having this hearing today and all the
20 people that came out.
21 THE COURT: And let me ask you your
22 name.
23 MS. JONES: My name is Leslie Jones.
24 THE COURT: And Ms. Jones, I will tell

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1 hearing --
2 MR. MOORE: After the hearing.
3 THE COURT: -- or would you want people
4 to file something with you so you can send it to
5 them?
6 MR. MOORE: Either way, Your Honor.
7 THE COURT: Okay. When I get finished,
8 we'll talk about that. But the wall is
9 definitely something new, and I've taken notes on
10 that and will consider it. Yes, ma'am. Thank
11 you.
12 MS. HINGE: And to let you know, my
13 husband was in the United States Navy. He served
14 all of us. And it hurt me to know that he was
15 put in a place which -- I'm not even going to go
16 into that scenario. But we put him there because
17 I was moving back home and I was coming home, we
18 were not there. And when I heard that, that just
19 hurt me, because I could have put him in a
20 Veterans, but this was closer for me at that
21 time. I'm young, listening to people.
22 But anyhow, I just want you all to know
23 he was in the military. He fought for us. Thank
24 you. Thank you very much.

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1 you, I am Chancellor Lyle, Ellen Lyle.
2 MS. JONES: I'm sorry.
3 THE COURT: But I do -- you reminded me.
4 I do want to thank Judge Dandridge for use of his
5 courtroom. He and his staff have been very, very
6 helpful.
7 So I am Chancellor Lyle. And Ms. Jones,
8 whenever you're ready to proceed.
9 MS. JONES: Yes, ma'am. I am
10 representing my grandfather, Leonard Chism, as
11 well as my family that is buried there, Ernestine
12 Chism and Joyce Harmon.
13 My parents -- my grandfather thought it
14 very important that he take care of us completely
15 in our life as well as when we get ready to die.
16 It is very important that we acknowledge that we
17 have purchased the land, the property several
18 years ago, paid in full. We have the check. We
19 have each -- we paid, we were in good standing.
20 We have a letter to attest to that when Mr. Jesse
21 Lambert was -- several years ago, the estate
22 approximately 30, 40 years ago --
23 THE COURT: Yes.
24 MS. JONES: -- when we purchased the

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1 property, the plots. And we prepared for the
2 burial. And so we paid in full. We have
3 evidence and we have submitted evidence to the
4 state to let them know that we have evidence of
5 our plots in Eternity -- the plots are in the
6 Eternal Life area, Plots 1, 2, 3 and 4. We also,
7 not only, know where they're buried. My
8 grandmother is already buried there. She was
9 buried there in 1998. I was able to -- because
10 of where we live, we live in close proximity to
11 the cemetery, we were able to view and know that
12 she was buried there properly. Actually, the
13 year that they were bury there is when they were
14 renovating the place. Mr. Lambert was renovating
15 the place. He got new tents. He got new -- they
16 started having new people to manage the yard,
17 yards. He fell ill and then he -- you know the
18 story.

19 THE COURT: Yes.

20 MS. JONES: The rest is history. So
21 after that, we visited very often.

22 I was disturbed to find out -- I've been
23 hearing about the different things being in the
24 news as well that -- and also not just her, but

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1 MS. JONES: -- for his demise.

2 THE COURT: We did that with my parents
3 as well when my dad passed. And then for my mom,
4 left it open until, yeah.

5 MS. JONES: So we have claimed the
6 property. We know with any piece of property --
7 this is a bit different because it's being
8 managed by somebody. But our plots, we know
9 where our loved one is buried. We have evidence
10 to show where our loved one is buried.

11 As to our test that we know that it has
12 not been disturbed since it has -- since her
13 burial. We have evidence to show that, where
14 she's buried. So when I looked at the form that
15 they send in the mail and it says the right to
16 bury persons in plots that were purchased from
17 Galilee, we still would like to be able to use
18 those properties.

19 Recently, my grandfather was ill and I
20 was trying to make sure everything was in order
21 in case of any -- any of our demise. And I
22 discovered that I could not even bury him there.
23 Since -- we have been able to look and view the
24 property. They have created a gate all the way

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1 not able to go and visit my grandmother's grave.
2 Not only when we buried her, we got the
3 headstone, so we do have markings to show and to
4 claim those property plots.

5 THE COURT: And the last time you were
6 there, the headstone was on there?

7 MS. JONES: Yes. Our headstone has
8 continued to be on there. It has not been
9 disturbed since her burial. The reason I know,
10 we live very close to there. I can see it. You
11 know, I can see it from our house --

12 THE COURT: Okay.

13 MS. JONES: -- the plot. It has never
14 been disturbed.

15 We are -- we have them back to back. We
16 have a headstone -- and actually, I didn't want
17 to do this at first. When we buried her, we put
18 the headstone there, we put my grandfather's
19 name. He wasn't -- he's not deceased, but we put
20 his birth date and we just left a --

21 THE COURT: Blank.

22 MS. JONES: All we have to do is put the
23 plate --

24 THE COURT: Yes.

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1 around to show ownership of the land and so that
2 no one will go in there.

3 In my over 30, 40 years of being
4 affiliated and knowing this property, there
5 hasn't been a lot of vandals just to get rid of
6 the property. Our property has not been damaged,
7 our plots. Many of our family members are buried
8 there. I would like to be able to have them
9 buried there. I would like to have them to be
10 able to visit.

11 And the third one is the center. In the
12 cases of my family and I have not talked about
13 removing my grandmother from that grave site
14 because we did it based on we knew the people
15 there that managed it. We have the maps. We
16 know that they are there. And according to the
17 records and claims, has anyone documented more
18 than one person being there? We're right there.

19 We could see that it has not been --

20 THE COURT: And so your grandmother is
21 the only one that's been interred.

22 MS. JONES: Yes.

23 THE COURT: And you own the plots around
24 that. And so your request, you certainly want to

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1 be ail to visit --
2 MS. JONES: Definitely.
3 THE COURT: -- and would like to use the
4 property. If you can't, if the cemetery is
5 closed to future burials, then you want to
6 disinter? Is that what you're thinking or not?
7 MS. JONES: I'm not sure that we want to
8 do that, that we want to do that. And just to
9 have a time to come and not come, I don't think
10 that there has been a huge problem with people
11 damaging the property. It was improved -- since
12 1998, it's been being improved until the time
13 that the son took over.
14 THE COURT: And so what you've seen as
15 far as visitation, you think since it's gated
16 that visitation wouldn't have to be that
17 restricted because vandalism has not been a
18 problem? That's what you're thinking.
19 MS. JONES: No. No. Yes, ma'am.
20 THE COURT: And what I will do -- I
21 mean, the evidence that I hear today from
22 everyone, I'll take into account and then our
23 receiver, Mr. Moore, is an expert in cemeteries.
24 He's rehabbed cemeteries and operated cemeteries

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1 court cases and things like that where as far as
2 the law is concerned for keeping up with the
3 properties.
4 THE COURT: Yes. And see, they did not
5 do that.
6 MS. JONES: They didn't. The state is
7 responsible for everyone -- I think it's every
8 year, you have to kind of monitor that, you have
9 to pay a certain amount --
10 THE COURT: Yes.
11 MS. JONES: -- for the process to be
12 done.
13 THE COURT: Yes.
14 MS. JONES: And I have looked into that.
15 And why should everybody here have to suffer --
16 my question is: Why should we have to suffer for
17 one person's mismanagement? Why should these
18 families have to suffer?
19 THE COURT: And the answer to that is
20 because that mismanagement was so -- the
21 consequences, the result of that mismanagement
22 are so far reaching. I mean, what this person --
23 the mismanagement there has had so many
24 consequences. You say, why did you all have to

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1 all over the state. And so his expertise about,
2 you know, what we need to do to secure the
3 property, I will hear from him as well.
4 But it's your -- living near there, it's
5 your impression --
6 MS. JONES: Yes.
7 THE COURT: -- that -- what side do you
8 live on? Do you know?
9 MS. JONES: I live on the opposite side
10 of --
11 THE COURT: Give me a. --
12 MS. JONES: It's on Ellis Road. I live
13 on Ellis Road. Our family lives on Ellis Road.
14 THE COURT: Okay. What else? Anything
15 else?
16 MS. JONES: Yes, ma'am. Just one more
17 bit.
18 In the claim, it's stated -- I read over
19 it. It says, how many claims to that one plot?
20 I know want to know how many other people are
21 claiming? Because I don't know if that's other
22 people situation, but I don't believe it to be my
23 particular situation, but it is a question that
24 arose. Also, I was looking through a different

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1 suffer? It did not take long for the situation
2 to go bad fast.
3 You talk about the state doing
4 oversight. They've got cemeteries all across the
5 state they're doing oversight on. And one thing
6 they watch is you have to pay fees and file
7 reports with the state. And that's one sign, you
8 know. They look for that. And if people aren't
9 doing that, then they know they need to go in and
10 regulate. But a lot of times with these
11 cemeteries, you can't tell that things are going
12 bad until something, you know, gets the state --
13 an alert to the state. A lot of times you can
14 tell by maintenance, if it's not being
15 maintained. But what happened is once the state
16 got in there, there had been so much damage with
17 records. That's the biggest problem, they didn't
18 keep records, and so we don't know, we can't
19 determine who is buried where.
20 MS. JONES: Yes, ma'am.
21 THE COURT: And we don't know how many
22 people in certain plots. And the state has even
23 gone to the expense to have one of these -- I
24 want to call it a Geiger counter. That's not it.

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1 It is one of these things that they go over the
2 ground with to see how many bodies are in plots.
3 Seismograph --
4 MS. JONES: To see where they've been
5 buried.
6 THE COURT: -- or whatever they call it.
7 And Mr. Moore has a chart of that. But I guess
8 my point is, when you've got someone in charge of
9 a cemetery -- you know, Mr. Jesse Lambert for
10 years ran it fine and people respected him. And
11 that was another thing. It was sort of a sleeper
12 situation because it had been an upstanding, fine
13 business. And then it --
14 MS. JONES: It went bad fast.
15 THE COURT: Yes. Because in this
16 business, you can do that.
17 MS. JONES: I feel for the families that
18 are going through this.
19 THE COURT: Yes.
20 MS. JONES: I have evidence of where my
21 plot is, and I feel very confident and I know
22 that my grandmother's buried there. I would like
23 to still have my grandfather, myself and my
24 mother buried there. They are our plots. It is

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1 the number of multiple bodies in places and no
2 resources.
3 MS. JONES: Is there any way there could
4 be historical -- titled under a historical
5 landmark since it's been there forever? You
6 know, the Lambert family has been there for a
7 long time or something --
8 THE COURT: We will try --
9 MS. JONES: -- have money allocated or
10 bookmarked for that?
11 THE COURT: We will try to be creative,
12 but it's unlikely. Now the one -- the suggestion
13 about the wall, that, I'm thinking, you know --
14 I'm trying to think how we could do that. But
15 it's a situation that there's just not a good
16 remedy for it. Visitation, you know, I'm going
17 to work on that. The wall, I'm thinking. But
18 short of that, it's -- there's just -- there's
19 just no remedy.
20 MS. JONES: Well, I appreciate the
21 opportunity to speak here. And if we could
22 together come together and create a positive
23 solution for all this, I really appreciate that.
24 And I appreciate your time and your effort and if

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1 a piece -- it is not just a piece of land like
2 any other --
3 THE COURT: Yes.
4 MS. JONES: -- land that someone had,
5 might have. It's a memorial. It's a special
6 place.
7 THE COURT: Yes.
8 MS. JONES: And I don't know if this
9 would make any difference. There are a lot of
10 prominent people that are buried out there.
11 THE COURT: That doesn't.
12 MS. JONES: That doesn't really matter.
13 Everybody here is important.
14 THE COURT: What it comes down to --
15 MS. JONES: Their families are
16 important.
17 THE COURT: What it comes down to is we
18 can't determine where people are buried and we
19 don't know how many bodies, and that is a
20 problem. And we also -- then there aren't
21 resources. And so that's -- I'm listening to
22 what people want and what their concerns are and
23 then there are limitations over here on what can
24 be done because we have the inaccurate records,

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1 there's anything else, I appreciate the constant
2 communication.
3 I'm looking over -- it's a beautiful --
4 it's beautiful place to be buried and I'm very
5 proud that my grandmother is over there. And I
6 hope that we can come to a resolve soon in this
7 matter.
8 THE COURT: Ms. Jones, thank you.
9 MS. JONES: Thank you.
10 THE COURT: Thank you so much.
11 All right. Rodney Jordan? Rodney
12 Jordan? No?
13 Okay. And then Walter Jones? Walter
14 Jones?
15 Okay. Allen and Estella Kelley? Allen
16 and Estella Kelley? Are they in overflow? Okay.
17 Here we go.
18 Turn my volume up a little bit.
19 (WHEREUPON, THERE WAS A DISCUSSION HELD
20 OFF THE RECORD BETWEEN THE DEPUTY AND THE COURT.)
21 THE COURT: I'm sorry. Excuse me,
22 Mr. and Ms. Kelley. All right. If y'all will
23 proceed.
24 MS. KELLEY: Okay. Good evening,

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1 everyone. I'm kind of nervous. I'm not used to
2 talking in front of so many people, but I thought
3 it was important that we come because my husband
4 and I, we bought plots out there at Galilee a
5 long time ago and was trying to get ready because
6 his mother is buried there, Lottie Kelley and
7 bought plots around where she's buried. And then
8 also my mother, Perlean Peters, she's back there,
9 so I'm speaking for her. Her name is on there,
10 but I'm just going to speak for her.
11 THE COURT: Okay.
12 MS. KELLEY: And she's 93 years old and
13 she bought a plot out there years ago. And when
14 we -- we were poor people when we bought this
15 plot. We had to finance them. And it took us
16 like a year and whatever the finance charge was
17 to pay for these plots. And I just think, you
18 know, we was trying to get ready for our --
19 whenever we leave this place.
20 And as far as I know whenever we went
21 out there to visit -- we was in the Everlasting
22 Life part. We was close to the road. I've never
23 seen any disturbance in those plots when we were
24 out there. And so I would like to know -- I

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1 spot. And as Your Honor knows, the way -- the
2 way people were buried at Galilee, they did not
3 follow their plot lines and so people are jagged
4 and they used other people's plots when they
5 buried people next to other folks.
6 THE COURT: And let me just interrupt
7 for a moment. Usually when Mr. Moore does this
8 in cemeteries, they have a grid, you know, where
9 they've got the plots gridded out and then
10 they're supposed to follow that with the burial
11 and then keep the records so that you have an
12 ongoing record, and they didn't follow that
13 structure. And so it's been very difficult. He
14 has tried. They went out there with the
15 equipment, they did the probing and all of that
16 and they've tried to come up with a graph. But
17 it is, I would say, more of an estimate. Is that
18 how you would call it?
19 MR. MOORE: It's -- it's the best that
20 we can do. We engaged a company. They were out
21 of Little Rock, Arkansas. They're very well
22 known for this type of work. We spent two months
23 out at Galilee.
24 THE COURT: And now you have -- he has a

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1 heard that if you all was having someone to
2 examine the plots to see if anybody was buried in
3 the plots, and I would like to know what become
4 of it? Did anybody find plots that no one was
5 buried in? Could they determine that?
6 THE COURT: Yes. What they've done --
7 what is the name of the equipment? Just tell me.
8 I keep wanting to call it the wrong thing.
9 MR. MOORE: Ground penetrating radar.
10 THE COURT: Thank you. Ground
11 penetrating radar.
12 MR. MOORE: And we also followed that up
13 with probes.
14 THE COURT: And then what they did, they
15 went out there with this equipment. And I
16 think -- doesn't it throw waves or something into
17 the ground --
18 MR. MOORE: It does, Your Honor.
19 THE COURT: -- and if they hit something
20 -- and can you tell the number of bodies or does
21 it just come back that there's something there?
22 MR. MOORE: It gives us an anomaly. And
23 the way the waves come back indicate whether
24 there's been one or more people in a particular

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1 graph. And after this is over, then Mr. Moore
2 will make himself available and we can also then
3 have a follow-up, we can figure if people want to
4 leave an address. But he has a grid. So that --
5 that tells you that in some places, we -- we know
6 if there is, you know, one or two more bodies.
7 But because they didn't follow the grid, it's not
8 like you're thinking in your mind, it will be
9 plot by plot by plot.
10 MR. KELLEY: So what you're saying,
11 those two plots that we have out there, that we
12 can never use them?
13 THE COURT: No, I don't think you'll be
14 able to. I think we're going to have to close
15 the cemetery. And that's what -- the decision
16 I'll have to make and that's why we're having the
17 hearing so I can hear from people about the
18 effect of that and what -- what your thoughts are
19 and how it affects your family.
20 MR. KELLEY: So those plots that we have
21 then, we won't be able to use, so we won't be
22 able -- the money cannot be returned from that or
23 do we just lose that, just like that?
24 THE COURT: There is no money -- there

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1 is no money. It is my understanding that there
2 was a separate lawsuit, a class action that's
3 been going on. Are you all involved in that with
4 Mr. Manis?

5 MS. KELLEY: No.

6 THE COURT: Okay. So there's a separate
7 lawsuit that's going on about that. But as far
8 as this case, there is no money. What happened
9 is that the people who were operating the
10 cemetery to use a biblical reference, they
11 borrowed from Peter to pay Paul. I mean, there's
12 just -- there's no money.

13 In some cemetery cases, we've been able
14 to have what we call a claims procedure. But in
15 this one, we're just -- there's -- there's no
16 solution because it's full and maybe over full.

17 MR. KELLEY: Okay.

18 MS. KELLEY: It is like my mother, she
19 is 93 years old, and she needs to be buried
20 somewhere. So that means that she got -- she got
21 to buy a plot somewhere else.

22 THE COURT: And it's expensive now.

23 MS. KELLEY: It is more expensive.

24 THE COURT: It is a lot more expensive.

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1 anything, then that's where you get it from. And
2 in this case, there is nothing. There is
3 nothing.

4 They operated under what I will call
5 shell or sham corporations where they would set
6 up a corporation. They had nothing in it, and
7 they would use that and then they would -- once
8 they used that up, they would set up another
9 corporation. And I don't want to use a slang
10 word, but the way I would describe it is there
11 were a lot of sham corporations that were set up
12 that they were doing business under.

13 MS. KELLEY: Well, I've always wondered.
14 I, you know -- two or three years ago, I wondered
15 why every time someone dies, especially a black
16 person died, is buried in Galilee cemetery? And
17 I said, just so much room out there. Why -- how
18 can you not know that it's not enough room --

19 THE COURT: Yes.

20 MS. KELLEY: -- to bury people the
21 people that's been buried out there? The state,
22 shouldn't they have known that?

23 THE COURT: They were. The state was
24 auditing it. They're required to. The state was

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1 MS. KELLEY: It is a lot more expensive.

2 THE COURT: I mean, a lot of people now
3 are doing other things like cremations and stuff
4 because they can't afford it. I know in
5 Nashville, I've looked into this for my family
6 and it's very expensive.

7 MS. KELLEY: Yes, it is. Also, I know
8 the other lawsuit that was carried on before and
9 it was in the paper that the people received some
10 monies because they had lawyers and stuff to
11 represent them. Where did that money come from?
12 I mean, the money is somewhere?

13 THE COURT: Are you talking about the
14 class action --

15 MS. KELLEY: Yeah.

16 THE COURT: -- they had?

17 MS. KELLEY: Yes.

18 THE COURT: Okay. Yes.

19 MS. KELLEY: If you get a lawyer and
20 maybe get somebody to represent you, do that mean
21 you're going to get some money?

22 THE COURT: What happened -- yeah. What
23 happens is this: The money has to come from the
24 people who did the wrong? And if they've got

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1 auditing it. These people were required to file
2 reports. And at the point when they were not
3 doing what they were supposed to, the state came
4 in. And I'm not doing a good job of describing
5 this. But when the state came in, the people who
6 were running it, the younger Lamberts, it was --
7 there was so many bad things that has been done
8 that it just couldn't be remedied.

9 I mean, imagine if for a year someone is
10 putting bodies in places where they shouldn't.
11 Well, it would be hard for the state to detect
12 that. Just take one year of doing that. And so
13 by the time the state got in, it -- it was -- it
14 was a mess.

15 The elder Mr. Lambert ran a good
16 operation initially. He was highly respected and
17 the cemetery was fine and then --

18 MS. KELLEY: Okay. Let me get to the
19 conclusion. What you're saying is even if we
20 have bought plots out there and paid for them, we
21 can't bury them in there. And we won't get our
22 money back from them what we paid, and we may not
23 be able to visit. So what are -- what are we
24 here for?

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1 THE COURT: You are here to tell me
2 exactly what you said, so that when I go back to
3 Nashville and I hear what the recommendations of
4 the state are, then I will know what the concerns
5 the people are here. And if there's anything
6 that I can do to address those, I will. For
7 instance, visitation, that may be something I can
8 do something about. I wanted to hear information
9 about when it would be good to have it open. It
10 was helpful to me to know that there are
11 out-of-town people because if we have visitation,
12 we need to take that into account that they can't
13 just come, you know. So I've got to figure that
14 piece of it.
15 The idea of the wall that's a little,
16 but it may be something. So to me, this has been
17 productive because I have heard things that I
18 wouldn't have heard if I weren't here. And if I
19 can find a remedy for it, I will. The Court that
20 I operate in, there's a saying: Chancery will
21 not suffer a wrong without a remedy. So I'm
22 bound by law to try to find a remedy. But if
23 there's -- if I'm unable to, I'm just unable to.
24 But hearing this tells me, Judge, this

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1 back?
2 MR. KELLEY: I wanted to get it back.
3 THE COURT: But there was a stay on
4 returning any property. And so that's one thing
5 you still would want, correct?
6 MR. KELLEY: Yes.
7 THE COURT: Was it already -- how do you
8 know? I mean, it had a name set on it.
9 MR. KELLEY: Allen S. Kelley.
10 THE COURT: What was it?
11 MR. KELLEY: Allen S. Kelley, the name
12 on it.
13 MS. KELLEY: Allen S. Kelley.
14 THE COURT: I don't know what the status
15 of that property is. I know that the receiver
16 went out there and collected everything. I don't
17 know about that, but I've made a note of it.
18 What else? Anything else? Yes, ma'am.
19 MS. KELLEY: I'm just speaking for my
20 mom, Perlean Peters. So when you get to her, you
21 can just skip her name, Perlean Peters.
22 THE COURT: Yes, ma'am.
23 MS. KELLEY: And she just -- I'm
24 speaking for her.

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1 is what you need to go after, this is what you
2 need to try to figure out if there's a way.
3 MS. KELLEY: Okay. Then we will hear
4 from you again about this?
5 THE COURT: Yes. What will happen is
6 after today's hearing, then I will have a hearing
7 with the receiver and we'll make determinations
8 about what we're going to do on the cemetery and
9 we will send out notices on it. There will be a
10 court order and you will receive that. You are
11 now -- I mean, we now have you on our list since
12 you filed a card to participate and you will
13 receive that.
14 MR. KELLEY: So we have a headstone out
15 there and we couldn't receive it. I went out
16 there to try to get it, but they wouldn't let us
17 get it. They have it over there by the office.
18 THE COURT: Had it been set?
19 MR. KELLEY: No.
20 THE COURT: It wasn't set out in the
21 plot, it was sitting in the office?
22 MR. KELLEY: Sitting over there by the
23 office, yes.
24 THE COURT: And you wanted to get it

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1 THE COURT: Okay. All right. Thank
2 you. Thank you.
3 Okay. Ladell or Diane Macklin?
4 MR. MACKLIN: Good afternoon. How are
5 y'all doing? I missed all other trials, but
6 whatever is going on with this trial. But I
7 bought five plots out there and I used one of
8 them. So my mother and daddy is out there, her
9 sister is out there. So now we need to find a
10 solution however you can get out there, see
11 somebody.
12 MS. MACKLIN: My son was buried in '95.
13 MR. MACKLIN: That's when I bought five
14 plots out there for my family.
15 THE COURT: And so you want to be able
16 to go out and visit? .
17 MR. MACKLIN: My mama, daddy, sister out
18 there, too.
19 THE COURT: And you all are from
20 Arlington, Tennessee. How far is that?
21 MR. MACKLIN: It's about three miles
22 from the --
23 THE COURT: Okay. So you know, I've
24 talked with other people about the visitation.

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1 For you all, I'm assuming what coming up on a
2 weekend is the best or holidays?
3 MR. MACKLIN: For me, because I'm out --
4 I'm out of town all the week.
5 THE COURT: Okay.
6 MR. MACKLIN: The wife and the kids are
7 at home.
8 THE COURT: All right.
9 MR. MACKLIN: Through the week, I'm
10 gone.
11 THE COURT: Any -- anything else that
12 you want? You just want to be able to visit?
13 MR. MACKLIN: From what y'all is saying,
14 y'all said everything that y'all are going to
15 settle.
16 THE COURT: We haven't settled anything.
17 I haven't made the order, but the situation is
18 there are limited solutions. I mean, there's
19 just limited solutions.
20 MS. MACKLIN: My son was buried up
21 front. So last time I went over there, didn't
22 see the flowers or the vase that was there or
23 nothing, so I don't know.
24 THE COURT: Is it a permanent vase that

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1 MR. MOORE: Okay. Yes, Your Honor.
2 THE COURT: All right. Anything else
3 from Ladell and Diane Macklin?
4 MR. MACKLIN: If we could get the -- I
5 reckon that would solve some of the problems that
6 we could have the visitation.
7 THE COURT: Yeah. Okay.
8 MR. MACKLIN: So we could get that
9 figured out a little bit.
10 THE COURT: All right.
11 MR. MACKLIN: Then I'll have to start
12 over.
13 THE COURT: Yes.
14 MR. MACKLIN: But I need to go, so.
15 THE COURT: All right. Thank you.
16 Thank you.
17 MR. MACKLIN: Thank y'all.
18 THE COURT: Thank you very much.
19 All right. Deborah McCann? Deborah
20 McCann? Good afternoon.
21 MS. MCCANN: Good afternoon, Chancellor.
22 How are you? Thanks for having this with us.
23 THE COURT: Yes, ma'am.
24 MS. MCCANN: One thing I want to say is

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1 was on the headstone?
2 MR. MACKLIN: The headstone, it is on
3 the headstone.
4 THE COURT: But you didn't see it?
5 MR. MACKLIN: She said she didn't see
6 it, but when I went there to go back over there,
7 they had it all blocked off.
8 THE COURT: You couldn't get there.
9 MR. MACKLIN: They wouldn't let you in
10 there.
11 THE COURT: Okay.
12 MR. MACKLIN: So they fenced it up and
13 locked it since -- since it's been going on.
14 THE COURT: But you know exactly where
15 --
16 MR. MACKLIN: Pretty much.
17 THE COURT: -- where the space is?
18 MR. MACKLIN: Pretty much. But like I
19 said, my mama and daddy is out there and sister
20 out there, so if you can send me the map, I'll
21 take the map.
22 THE COURT: You do want -- you want --
23 MR. MACKLIN: Yes. I want to -- that's
24 my address. If you'll send that to me.

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1 it's sad that people die two deaths, one when
2 they die and the second when they stop visiting
3 you at the cemetery. So this is -- this is very
4 important to me and to probably everyone here.
5 That's where you get some peace when you go out
6 and see your family.
7 THE COURT: Yes. Yes.
8 MS. MCCANN: It was very important to my
9 mother. My grandmother and my Aunt Julia are
10 buried out there. And she would go out there and
11 put flowers on the grave every year.
12 Now what I have is a little bit of
13 paperwork. I have the deeds out there. I spoke
14 with Mr. Moore, actually spoke with Mr. Moore on
15 the day that my mother died.
16 THE COURT: And how many persons do you
17 have buried?
18 MS. MCCANN: I have two.
19 THE COURT: Two.
20 MS. MCCANN: This is my grandmother's
21 grave, Della Smith. This is my aunt's grave,
22 Julia Smith. You can see Julia Smith looks like
23 it's grazed a little bit.
24 Now on the day that my mother died,

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1 which was March 29th, 2016, I sent my
2 brother-in-law out to the cemetery to find out if
3 her plot was available. She purchased three
4 plots in the Garden of Peace in Lot 30. And so
5 two of those are taken, but somebody was in my
6 mother's plot. And I couldn't -- I couldn't bury
7 her out there, so we had to bury my mother
8 someplace else.

9 This is -- so Plot 3 and 4 -- three is
10 Julia Smith. Plot 4 is Della Smith. And my
11 mother should have been in Plot 2, but I think
12 somebody is in there. Is that correct?

13 MR. MOORE: Yes. Yes, ma'am.

14 MS. MCCANN: Okay. And he said at the
15 time when -- we may be able to fit her in, but
16 you'd have to get a court order, et cetera,
17 et cetera, so I don't know what happened with
18 that, but I do have the deeds. I have them even
19 with me to the other plots. And so I would have
20 been upset if I buried my mother out there and I
21 wouldn't have been able to see her along with my
22 grandmother and my aunt, so it's good that we did
23 take her someplace else. But we don't -- we
24 don't want our family to be forgotten about.

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1 MS. MCCANN: So initially, the very
2 least that I know that I'm asking for in my
3 family is to be able to visit -- to visit them.
4 They have -- the cemetery's been closed for five
5 years.

6 THE COURT: Yes.

7 MS. MCCANN: Five years. I feel like
8 the State of Tennessee failed us in a couple
9 ways. I feel like if nothing else, the law needs
10 to be possibly amended so that there's stricter
11 regulations.

12 THE COURT: And let me speak to that
13 because that's what people always say, we need
14 more laws. But in that book -- in that book, we
15 have plenty of law. That's not the problem.
16 We've got the law. The law is on the books and
17 it is there and if it's enforced, it's good. The
18 problem is the State of Tennessee does not have
19 the money or has not devoted it to this.

20 MS. MCCANN: I would say --

21 THE COURT: So what happened -- so what
22 happens is like any regulation. It's like day
23 care regulation, it's like anything.

24 MS. MCCANN: Right.

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1 That's the main thing.

2 So each person tells a story. And this
3 is my grandmother, Della Smith. She -- this is
4 her and this is my grandfather. She used to work
5 cleaning houses and -- until she, you know --
6 until she could end up buying her own land. So
7 she saved, and after years and years of working
8 cleaning houses, she bought 30 acres of land near
9 Jackson, Tennessee. She went in there, people
10 say, with all one dollar bills to buy the land.

11 And my grandfather is buried on that
12 land. We have a private cemetery there now. So
13 if nothing else, we want to take my aunt Julia
14 and my grandmother and put them on that land.

15 She had two daughters that she sent to
16 college. She taught me how to pluck a chicken
17 and to kill a snake, but that's not all that she
18 taught me in this life. That's -- that's not the
19 only thing that she taught me in this life. You
20 know, she taught me how to save and do the things
21 that you need to do in your life to survive.

22 THE COURT: I laugh about the snake. My
23 dad tried to get me to deal with them, but I just
24 turn and run the other way, so. Wow. Okay.

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1 THE COURT: What happens is,
2 everything's going along, you can't keep track of
3 every single one because you don't have the
4 resources and so it's the problem ones when they
5 bubble up that get the attention. You know, I
6 mean, you see with day care licensing. I do that
7 as well. And what happens is, there are plenty
8 of day cares that are out of compliance, but
9 until something happens bad, there isn't enough
10 resource in the state to keep up with every
11 single day care, and that's how the cemeteries
12 are, the same way.

13 MS. MCCANN: I understand.

14 THE COURT: And so we've got the law on
15 the books. If you -- the thing that's needed is
16 more money on it, more resources, so that people
17 can monitor the cemeteries. And this situation
18 is a good example of that. As I've tried to say,
19 by the time the state got in there, the situation
20 where someone had been buried in your mother's
21 plot, they were borrowing from Peter to pay Paul.
22 They needed the money and so they were putting
23 people in plots. They had over sold plots. They
24 weren't organized. They didn't keep records of

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1 it. And you know, it got ahead of them. It got
2 ahead of them and it got out of hand. And when
3 it did, it just went down fast. And by the time
4 the state got in there -- and there's always
5 resistance to the state coming in. That's the
6 other problem. When, you know, they have to come
7 and get a court order, they have to have evidence
8 to show they can come in and see. The
9 secretary -- the cemetery people are suspicious
10 of that.

11 So I understand the -- it's easy to
12 point the finger at the state and say, why
13 haven't you done something? But the law is on
14 the books. And if the money is given for the
15 regulatory resource, then it can be done, but
16 they've only got so many people. And, you know,
17 it's easy -- it's easy to hide from the state
18 when you are running a cemetery.

19 MS. MCCANN: Right. I understand. I
20 just -- I know that the law is on the books. I'm
21 just wondering if we can revisit the law or amend
22 the law because this -- this happened, it was
23 very -- it was egregious. This is not the
24 reason, I'm sure, the State of Tennessee wants to

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1 MS. MCCANN: So that's even more
2 egregious that Mr. Lambert got 10 years
3 probation. I think that pours salt on the wound,
4 but --

5 THE COURT: And I can just say, that's a
6 local thing.

7 MS. MCCANN: I understand.

8 THE COURT: That doesn't have anything
9 to do with the State of Tennessee. That's a
10 local thing.

11 MS. MCCANN: I understand.

12 THE COURT: And as a matter of fact,
13 Mr. Moore provided -- the receiver here, he
14 provided all this information, everything that
15 we're telling you the local authorities knew
16 about. So I'm going to put that aside because
17 that's -- but the State of Tennessee is the
18 regulatory.

19 MS. MCCANN: I have a follow-up on that,
20 though. I understand that according to Amy
21 Weirich, the district attorney at the time,
22 Mr. Lambert wants to cooperate with the
23 receivership. Has any of that cooperation
24 occurred?

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1 be in Time magazine, but this is -- but there we
2 are in the Time magazine for the most egregious
3 action that's ever happened. Of course, in the
4 cemetery in Chicago, that -- Fair Oak Cemetery,
5 the lady is serving time right now in jail.

6 THE COURT: Yes. We've actually -- in a
7 cemetery that I handled in Tennessee, the DA
8 charged and convicted a woman. That was
9 Ms. Ringley, Vickie Ringley.

10 MR. MOORE: That was Ms. Ringley in
11 Rogersville, Tennessee. Jemar Lambert was
12 indicted by a grand jury here in Shelby County,
13 and the district attorney accepted an Alford
14 plea, and he is serving a 10-year probation
15 sentence. So there was a criminal case that came
16 out of this, but that is -- that was the plea
17 agreement answered by the district attorney here
18 in Shelby County.

19 MS. MCCANN: And that's --

20 THE COURT: And what we don't have
21 money, what we do is the only thing we've got is
22 punishment. And in these cemetery cases, people
23 like Ms. Ringley went to jail. There was an
24 indictment here and a plea, so.

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1 MR. MOORE: Your Honor --

2 THE COURT: Yes. I will answer that.
3 Mr. Lambert was not -- I would say he was not in
4 a very good position to cooperate because they
5 had not kept the records and done what they were
6 supposed to in the cemetery. And it made it
7 very, very difficult for the receiver to try to
8 put it together. And so I mean, Mr. Moore, I
9 would say he was not particularly helpful would
10 be my answer.

11 MR. MOORE: He sat for an interview with
12 his counsel as a part of that plea deal, and he
13 explained a little bit about their method and
14 mode of operation at the cemetery. And I think
15 that was the extent of it, Your Honor.

16 THE COURT: But I can tell you --

17 MS. MCCANN: That was a condition of his
18 probation to get probation that he --

19 THE COURT: Yes.

20 MS. MCCANN: -- cooperate --

21 THE COURT: And yes. And that is
22 something that locally if you want to do
23 something, that's something local that you can
24 take up. But in terms of the regulation that's

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1 been done here, Mr. Moore got that information
2 and it was not very helpful.
3 The elder Mr. Lambert ran the cemetery,
4 and then when the younger ones took over, it was
5 not the same operation and they did not run it as
6 they were supposed to. And they used multiple
7 sham corporations, so...
8 MS. MCCANN: Well, so that was the
9 extent of my concern is that Mr. Lambert be
10 involved in assisting in trying to find -- either
11 find a body or --
12 THE COURT: Mr. Lambert could not find a
13 body. Mr. Lambert has put so many people in
14 plots and gone against what is customary and
15 required by the law. Mr. Lambert is of no help.
16 That's why they had to spend \$200,000 out of the
17 cemetery to bring in equipment to go along the
18 ground and probe it to find out where people are
19 located because Mr. Lambert was so -- mismanaged
20 the situation.
21 MS. MCCANN: Well, does the state make a
22 recommendation back to the district attorney?
23 THE COURT: No. That is a local -- that
24 is a local decision. And the district attorney

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1 if that person that was in her plot was buried
2 there between that time frame, I don't know. But
3 I need to find out from Mr. Moore.
4 THE COURT: Mr. Moore is not handling
5 that because that's not the State of Tennessee.
6 That was a private lawsuit that was filed by
7 Mr. Manis, and it's a local Shelby County
8 lawsuit. And so it's Attorney Manis. Is it
9 M-A-N-N-I-S?
10 MR. MOORE: I believe we can --
11 THE COURT: We can give you that
12 information if you want to get in touch with
13 them. But that's a separate lawsuit.
14 MS. MCCANN: Right.
15 THE COURT: What this is about is the
16 cemetery, the physical cemetery and the state
17 maintaining it and doing the property. The class
18 action is a separate lawsuit that was filed.
19 MS. MCCANN: Okay. Now this is the last
20 thing I want -- I wanted to say about the State
21 of Tennessee and inspection. I notice that
22 Signature Funeral Home was recently in the paper
23 and it was fined \$7,000 for penalties that they
24 had, so, you know, there are some bad operate --

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1 is completely in charge of the punishment and the
2 criminal aspect of it.
3 MS. MCCANN: But how does she know if
4 he's not fully cooperated during --
5 THE COURT: They are supposed to -- they
6 are supposed to follow up on conditions,
7 probation. He has a probation officer, and
8 they're supposed to follow up on it. So that --
9 if you have an avenue you want to go down, that
10 would be that way.
11 MS. MCCANN: Okay. Now if I could get
12 with Mr. Moore afterwards because I know that the
13 --
14 THE COURT: You can get -- you can get
15 with Mr. Moore. Mr. Moore doesn't have anything
16 to do with the class action because he's with the
17 State of Tennessee. Mr. Manis --
18 MS. MCCANN: I have a question, but let
19 me just finish my second part.
20 THE COURT: Okay.
21 MS. MCCANN: The class action was only
22 for people that were buried between 2011 and
23 2014. And my mother died in 2016 and somebody
24 was in her plot. So I would possibly be affected

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1 THE COURT: And that's a funeral home.
2 MS. MCCANN: Right.
3 THE COURT: It's different, but there's
4 different regulations. A funeral home is
5 regulated separately from cemeteries. It depends
6 on, you know, interring, putting the bodies in,
7 but then the funeral part of it can be separate
8 because you may be talking about a service and
9 all of the things that go with that, the casket,
10 the burial and all that, so it can be a separate
11 regulation. I don't know if they have a cemetery
12 or what, but know that that's kind of separate
13 services.
14 MS. MCCANN: Okay. So that was -- that
15 was -- that was pretty much the extent of my
16 concerns. I wanted to make sure that there was
17 visitation. I wanted to make sure that if the
18 cemetery closed that I have the ability to inter
19 my grandmother and my aunt Julia. And if -- you
20 know, if we can't -- if we can't visit and the
21 cemetery is going to close because that was one
22 of my -- that was one of the requests of my
23 mother's, you know, death bed that we take --
24 that I take care of it. And I told her I would,

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1 and I will.

2 THE COURT: And you are.

3 MS. MCCANN: Thank you for your time.

4 THE COURT: Thank you. Johnni Morrow?

5 MR. BARBER: Good afternoon, everyone.

6 THE COURT: Good afternoon.

7 MR. BARBER: I'm not Johnni Morrow. I'm

8 her son. I'm speaking on behalf of her.

9 THE COURT: And what is your name?

10 MR. BARBER: My name is Johnny Barber.

11 THE COURT: Thank you.

12 MR. BARBER: It is my mother. The

13 question I have -- I have listened to everyone's

14 complaints. And my question is: She has bought

15 five plots, so there's no longer -- in other

16 words, she cannot use these plots, right?

17 THE COURT: Well, and that -- that is

18 what -- I would say that's probably going to be

19 the outcome of the case, yes.

20 MR. BARBER: So in other words, the

21 money she put in --

22 THE COURT: Yes.

23 MR. BARBER: -- hard money she worked

24 for, it's all gone.

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1 don't have good records. And so under the law of

2 Tennessee, there are certain, I guess, standards

3 that have to be upheld and sanctity that has to

4 be adhered to. And so that's why we're having

5 the hearing.

6 MR. BARBER: So in other words -- and

7 I've got to come up with a plan of anything

8 happen to her all over again, the money's gone.

9 THE COURT: Yes. Yes.

10 MR. BARBER: All right. Thank you.

11 THE COURT: Yes. All right. Let's see.

12 Ms. Peters, we already had her family speak.

13 Juanita Phillips.

14 MS. PHILLIPS: Good afternoon.

15 THE COURT: Good afternoon.

16 MS. PHILLIPS: Hi. My name is Juanita

17 Phillips. And my husband died in November

18 the 1st, and I buried him November the 10th at

19 Galilee. I wasn't -- since his burial, I went

20 into -- excuse me --

21 THE COURT: What year was that?

22 MS. PHILLIPS: That was 2012.

23 THE COURT: 2012.

24 MS. PHILLIPS: Yes.

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1 THE COURT: Yes. Yes.

2 MR. BARBER: So when I get back to tell

3 her all this, I know it's going to hurt her.

4 THE COURT: Yes.

5 MR. BARBER: The money she put in, all

6 this hard labor work she done, paid these

7 people --

8 THE COURT: Yes.

9 MR. BARBER: -- is all gone?

10 THE COURT: Yes. And the only thing

11 that I can say to that is -- and I mean, it's not

12 much comfort, is Mr. Lambert was indicted,

13 convicted and is serving probation, so there's

14 been --

15 SHERIFF'S DEPUTY: No talking.

16 THE COURT: That was a local decision

17 and the state was not involved in that. But he

18 has -- you know, was indicted. And then the

19 other thing, my job is to make the cemetery make

20 sure that what's inside there is protected and

21 maintained and part of that is the sanctity of

22 the place. And because we have multiple bodies,

23 you know, that's the issue about putting people

24 in or taking people out at this point because we

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1 THE COURT: Okay.

2 MS. PHILLIPS: I wasn't able to go visit

3 him. I went to mild depression. I never visit

4 the cemetery. And by the time I got myself

5 together, all this broke out, so I never been to

6 see his grave. So I called the receiver and

7 asked them. I didn't even get a deed because I

8 couldn't -- I was just out of it.

9 THE COURT: Right.

10 MS. PHILLIPS: So I called the receiver

11 and asked him, do they know where he's buried?

12 And they said, well, he's buried in this part,

13 but we can't definitely specify where he's at,

14 but we know the area. So my concern is I would

15 not like -- I would just like this lady that had

16 her husband died want the wall built, that's a

17 good idea. But if you just can go keep it open,

18 I could just go visit. So I would not like for

19 Galilee to be closed. So if I could just -- if I

20 could stand up -- stand in area, it would be good

21 for my soul, my peace. So that's all I got to

22 say.

23 THE COURT: Okay.

24 MS. PHILLIPS: Thank you.

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1 THE COURT: Thank you. Thank you,
2 Ms. Phillips.
3 All right. Carol -- Carol Price?
4 MS. PRICE: Good afternoon.
5 THE COURT: Good afternoon.
6 MS. PRICE: My name is Carol Price. And
7 I would just like to say that my question has
8 already been answered. I had five plots and my
9 mother-in-law is coming up on 84 years old and
10 she won't be able to get her money back. I'm
11 here to represent her.
12 THE COURT: What is her name?
13 MS. PRICE: Dorothy Price.
14 THE COURT: Dorothy Price, okay. Do you
15 know where her plots were?
16 MS. PRICE: It's in the Devotion.
17 THE COURT: Pardon me?
18 MS. PRICE: It was in the area of
19 Devotion, called Devotion.
20 THE COURT: Okay. Yeah. Okay.
21 MS. PRICE: And --
22 THE COURT: Is there anyone buried
23 there?
24 MS. PRICE: No.

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1 people buried in Galilee or is it just these five
2 plots that she was hoping to be able to use?
3 MS. PRICE: I have relatives, but I was
4 more concerned about --
5 THE COURT: About her situation?
6 MS. PRICE: Yes.
7 THE COURT: Okay. All right. Thank you
8 very much.
9 Abdul Rashad?
10 MR. RASHAD: Good afternoon, everyone.
11 THE COURT: Good afternoon.
12 MR. RASHAD: How are you doing,
13 Chancellor?
14 THE COURT: Well, it's been an
15 afternoon, so.
16 MR. RASHAD: Yes, I know it had. And I
17 was about to get this made because I heard
18 everybody else's questions and got the answers.
19 And, but you know, I definitely had to be here
20 because this is the first time I got a chance to
21 come and speak on behalf of my mother and my
22 sister because my sister first got buried at
23 Galilee in March 2009. And a month later, my
24 mother passed and I had to bury her there also in

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1 THE COURT: No, okay. And do you know
2 how long she had them?
3 MS. PRICE: We bought them in 2012.
4 THE COURT: 2012, okay. All right. And
5 so you're concerned because you've got to have
6 arrangements for her.
7 MS. PRICE: Yes.
8 THE COURT: Okay. Does she know what's
9 going on with the cemetery? Is she aware?
10 MS. PRICE: She knows.
11 THE COURT: Okay.
12 MS. PRICE: She wasn't able to make it
13 here.
14 THE COURT: Yeah. Well, this is just a
15 hearing today and I will not make any decisions.
16 And then after the hearing, I will have to get
17 information from the receiver, but you will then
18 hear from the Court. But you've heard what's
19 likely to happen. So I just -- I wish you the
20 best in giving her that word. But it hadn't been
21 decided yet, but it's likely that that's what's
22 going to happen.
23 Is there anything that you wanted to
24 tell me? Anything else? Do you have other

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1 April of 2009. So we bought a plot there and
2 buried both of them side by side. And during
3 that time, my wife was on dialysis and so a few
4 days out of the week, you know, I had to take her
5 to dialysis, but the dialysis building was right
6 out there by Galilee in Germantown. And I did
7 get a chance to go, you know, to visit during,
8 you know, those years. But during the time when
9 the different calamity going on, no one could,
10 you know, go and find the family's grave.
11 Because I had a marker there for my sister and
12 mother, both of them are buried side by side.
13 And during the funeral when, you know,
14 we buried my mother, one of my cousins from
15 Cleveland, she took a picture, you know, all of
16 us standing there by the grave, so I had, you
17 know, a picture of all of that. And during that
18 particular time, I think Mr. David Cosar was the
19 receivership. I think he's the economist now.
20 And we were concerned. I sent information to
21 Nashville to him about this because they
22 requested me to send information in that I had
23 about, you know, how I paid for the plots and
24 everything. So I did a certified letter, sent my

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1 picture and everything in to him and they got
2 back with me during 2009 and '10. And so I'm
3 just here on -- speaking on behalf because I know
4 everybody that's here, were concerned and are
5 concerned about their families, they can't visit
6 them and, you know, there's no memories. I'm a
7 Veteran, so the Air Force -- and plus my wife and
8 I know about the -- you know, the unknown soldier
9 the wall and all that, that's very expensive.
10 And the state is saying they don't have any
11 money. I heard the woman speak of maybe you
12 could do that, you know, but you're saying you
13 don't have no money, so that's calling for some
14 more voluntary, you know, things that -- it's
15 just memory we have of our family. And we can't
16 go out to the cemetery and visit and see them and
17 you know, pay our respects. And even so,
18 Mr. Lambert didn't keep his records like he
19 supposed to and the state requested certain
20 things from cemeteries also, right?
21 THE COURT: Yes.
22 MR. RASHAD: And he didn't do his part,
23 so I'm not faulting the state, but somebody had
24 their eyes on him during that time. And he

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1 with it.
2 MR. RASHAD: Okay.
3 THE COURT: But that doesn't make
4 anybody feel any better. I mean, it's a horrible
5 situation and there's, you know, it is what it
6 is.
7 MR. RASHAD: Yes. And may I say this?
8 THE COURT: Yes, sir.
9 MR. RASHAD: Because everyone spoke of
10 his father that did keep his records.
11 THE COURT: Jesse Lambert, yes.
12 MR. RASHAD: And plus, it's some more
13 court documents showing that they were, you know,
14 requesting this from the son, you know.
15 THE COURT: Yes.
16 MR. RASHAD: And plus --
17 THE COURT: Yes.
18 MR. RASHAD: -- it's documented.
19 THE COURT: I can tell you from the
20 hearings that I've conducted, what happened was
21 when the younger Lamberts took it over, they
22 would use either -- I'm trying to remember if it
23 was a corporation or a partnership that they had
24 about four or five. And so what they would do is

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1 shouldn't have gotten away with that all of those
2 years.
3 THE COURT: And let me answer that
4 because that keeps coming up. And I'm determined
5 when I get back to Nashville that I'm going to
6 plot out exactly the timeline of how this
7 happened because people in this room are thinking
8 that it was the state that dropped the ball.
9 MR. RASHAD: Yes. He dropped the ball,
10 but --
11 THE COURT: But let me just answer that
12 because the timeline will show you that it was a
13 reputable cemetery, no one had any reason to
14 suspect and then when he dropped the ball or
15 his -- it wasn't just him. I mean, there were
16 other people involved in it, and he would set up
17 these corporations so he could hide what he was
18 doing.
19 MR. RASHAD: Yeah.
20 THE COURT: It's a fraud. It's where
21 you hide what you're doing so you make it --
22 people unable to detect what it is.
23 MR. RASHAD: Yes.
24 THE COURT: And that's how he got away

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1 they would file documents under that name and
2 then they would use another name and then use
3 another name. And so it was like a shell game
4 where they could just keep it going because they
5 were using new names. For us to go through and
6 figure out what they had done was very difficult.
7 So it was a fraud that they were --
8 MR. RASHAD: But don't you know, that
9 should have drawn some kind of suspicion of --
10 THE COURT: Yes. It should. But here's
11 the other side of it, you've got this legitimate
12 cemetery that's been going on for years and the
13 kids take it over, it's pretty hard to come into
14 court and say, you know, there's something funny
15 going on out there. I mean, it sounds easy,
16 hindsight is 20/20. But, you know, I'm going to
17 go through that chronology.
18 The other thing, too, I mean, we all
19 hear it in our communities now, but it's like
20 saying, you know, when we say we don't have
21 enough resources, the state can't be, you know,
22 bearing down on every person on every business.
23 MR. RASHAD: Yes.
24 THE COURT: And they can only -- where

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1 they find a fire, they go and put it out, but
2 until there's smoke, you know, they don't know.
3 And that's what he did. He was good about
4 keeping the fraud so nobody could tell.
5 But I will say this. From everything
6 that's gone on here today, I mean, I'm always
7 motivated in my job to try to come up with what I
8 can do, but I'm very motivated here because I am
9 of an age where, you know, I've lost parents and
10 go to cemetery and all that kind of thing.
11 MR. RASHAD: Yes.
12 THE COURT: So it's a bad situation.
13 What can be done will be done, so anyway.
14 What -- so tell me, what else?
15 MR. RASHAD: Will, I can think of
16 everything been said up here, so all I can say
17 I'm just going to say a prayer for the matter and
18 God will come up with the solution. Because it's
19 so many things going on now, you know, and we
20 questioned a lot of things, but He know the
21 answer. So I'm going to leave it in His hands
22 because I did my -- you know, my best and I did
23 most of all of the investigation I could. You
24 know, I'm doing this for my mother and my sister

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1 is there. And before all this came up, I had two
2 headstones made for my mother and my brother. I
3 talked to Mr. Moore about it. And I have them to
4 be put down. And I'm just asking, please leave
5 it open for us to go in -- at least it will give
6 me peace of mind, just to know I can put go there
7 and put a flower on their grave and go visit.
8 And I know you say that, you know, if you decide
9 to keep it open, you'll have special days. But
10 you know, I'll open the gate, I'll mow the lawn,
11 whatever it take, whatever it take.
12 THE COURT: Watch out. We're looking --
13 we're looking for people. I've got a note on
14 this, so...
15 MS. ROSSEN: I will. I'll roll my
16 sleeve up, I will. Whatever it take to keep it
17 open, because I would love to go visit them and
18 be able to put their headstone down and just be
19 able to go in there.
20 But now I was thinking, too, that like
21 they were saying, you know, it probably wouldn't
22 be bad just to leave the gate open and just let
23 us go in, you know, just whenever, you know.
24 I'll open the gate, like I said, you know.

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1 because I know she would have done the same thing
2 for me. And I'm still not satisfied with the out
3 back here because I can't go and visit her grave
4 and look at it --
5 THE COURT: Yes. No.
6 MR. RASHAD: -- and pay my respects or
7 nothing. And it's not right, but you know a lot
8 of things not right, but then God know the
9 answer. So like I say, I'm leaving it in His
10 hands. I appreciate my time, you allowing me of
11 to come in and speak.
12 THE COURT: And I appreciate the
13 comments.
14 MR. RASHAD: Okay. And could I leave
15 this with Mr. Moore?
16 THE COURT: Mr. Moore, yes, sir.
17 All right. Elmerie Rossen? Rossen?
18 R-O-S-S -- yes, ma'am. I probably pronounced it
19 --
20 MS. ROSSEN: Elmerie.
21 THE COURT: Elmerie, yes.
22 MS. ROSSEN: Chancellor Lyle, Elmerie
23 Rossen. I'm here today to ask, please don't
24 close it. My mother is there. My two brothers

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1 Whatever it takes, I'm willing to do.
2 So I'm here today to say please, don't
3 close it, let us go visit.
4 THE COURT: And tell me how many people
5 do you have buried in the cemetery?
6 MS. ROSSEN: I have my mother and two
7 brothers. My first brother that passed away, he
8 has a headstone, so I know exactly where it is.
9 And I've been speaking Mr. Moore. And I went on
10 and had my mother and other brother's headstone
11 made to be put down before we knew that the state
12 had taken it over, so I'm just -- just holding on
13 to find out what, you know, can I put them down.
14 THE COURT: So you do have the
15 headstones?
16 MS. ROSSEN: Yes, ma'am. Like we just
17 like to go visit, please.
18 THE COURT: And you would like to put
19 those down --
20 MS. ROSSEN: Yes, ma'am.
21 THE COURT: -- if that happens --
22 MS. ROSSEN: Okay.
23 THE COURT: -- if we know who's there?
24 MS. ROSSEN: Don't forget, I'll mow the

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1 lawn.

2 THE COURT: Okay. All right. Okay.

3 Roosevelt and Delores Summers.

4 MR. SUMMERS: We are Delores and

5 Roosevelt Summers. And my question, I've almost

6 gotten all the answers. But September '01, I

7 buried my only son out there and we bought four

8 other plots. But if the yard is going to close,

9 I had Jesse to make me a special marker, I would

10 like to have that marker since I'm not going to

11 get anything else.

12 THE COURT: You want the marker?

13 MR. SUMMERS: Correct.

14 THE COURT: And is the marker, does it

15 have your son's name on it or the family name?

16 MR. SUMMERS: He's sketched on there,

17 too.

18 THE COURT: He sketched on there.

19 MR. SUMMERS: Yeah. His name on there,

20 date of birth, picture.

21 THE COURT: Do you know where it is?

22 MR. SUMMERS: Trinity Garden.

23 THE COURT: Okay. So you know -- you

24 can find it?

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1 the other people are saying: Do not close it.

2 Let us have the right to visit. And the reason I

3 say that, I've been in and out of that cemetery

4 since 1957. It was under the leadership --

5 ownership of Julius Louis, then it went over to

6 the Smiths, then the Lamberts. I'm a former

7 funeral director. I'm retired now. But most of

8 these people probably in here, I might have

9 buried a lot of their loved ones, but I got out

10 before this started.

11 So I have seven of my relatives,

12 siblings and all buried in there and I still have

13 four plots there myself. So if there's anything

14 because I've been able -- like I said, I've been

15 able to go in and out of there to visit since

16 1957. And this will be a big let-down not for

17 me, but for all the people that are represented

18 here today.

19 THE COURT: What about restricted hours?

20 Tell me what your thinking is about that.

21 MR. WALKER: I would say no. Because

22 like I say -- well, I mean, restricted hours like

23 if it's like the Veterans cemetery, their gates

24 are open until dark.

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1 MR. SUMMERS: Yeah. He's in Trinity

2 Garden.

3 THE COURT: So you don't to disinter,

4 but you want the headstone?

5 MR. SUMMERS: Correct.

6 THE COURT: All right. Anything else?

7 I'm sorry for your loss of your son. I'm sorry.

8 MS. SUMMERS: Well, my sister is out

9 there, but she got buried in 2012. And right

10 after that, all of this problem occurred and then

11 she had no headstone. So I think she's in

12 Trinity also. But she didn't have a headstone,

13 which was Margie Pruitt.

14 THE COURT: Okay.

15 MS. SUMMERS: That's it.

16 THE COURT: All right. Thank you.

17 MS. SUMMERS: All right.

18 THE COURT: Thank you both.

19 MS. SUMMERS: All right.

20 THE COURT: Billy Walker?

21 MR. WALKER: How are you, Your Honor?

22 I'm Billy Walker, Senior. And I've listened to

23 all the things that have been said. What I'm

24 about to say I would like to coincide with what

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1 THE COURT: Yeah. I was thinking that

2 wasn't a good day to describe it because most

3 cemeteries close at dark.

4 MR. WALKER: Right. Uh-huh.

5 THE COURT: But I meant restricted days.

6 MR. WALKER: No, I wouldn't say --

7 THE COURT: What is your impression of

8 that?

9 MR. WALKER: Now towards that, like they

10 said, a lot -- most of the families here have

11 siblings and loved ones that live out -- out of

12 town, can't get here on those days. So I would

13 suggest it would be something like -- I would use

14 the Veterans cemetery as one. It's open every

15 day.

16 THE COURT: And see, they have the

17 resources to make that happen. What -- do you

18 have any concerns about vandalism or, you know --

19 this will be a cemetery that won't have -- it

20 won't be operating, it won't be operable, people

21 won't be around. And you know, since you're in

22 the industry what that means. It can just then

23 be a target for --

24 MR. WALKER: Like the lady said, if you

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1 can have someone to open the gate at certain
2 hours and close it at certain hours. That's it.
3 Because -- and for me, working in that business,
4 I've seen times where they didn't close the gate
5 and they -- there are some vandalism goes on. As
6 a matter of fact, you'll probably know this one,
7 the Rose Hill cemetery case.

8 MR. MOORE: Absolutely.

9 MR. WALKER: Someone -- as a matter of
10 fact, I was on the service. We got there to bury
11 this body on that Saturday and we couldn't bury
12 it because they just found two people murdered in
13 the bottom of the grave. So that's when I say,
14 need to have someone --

15 THE COURT: Yeah. That's the kind of
16 mischief, you know, where we're worried about.

17 MR. WALKER: But see, that cemetery did
18 not have a gate or anything; you just walked in.
19 So I'm just saying if you can just --

20 THE COURT: And most cemeteries -- I
21 don't know about this one, but most of them have
22 the limited access and then the roads and stuff
23 are limited. And if you had somebody, you know,
24 when people -- when it was being operated and

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1 I'm just afraid if someone is buried on top of my
2 mama because I mean, we never have been out
3 there. Even when I -- saw my paperwork,
4 everything I had, we have nothing. None. Even
5 if you guys open it, keep it open, we don't know
6 where she at. I don't see a point.

7 THE COURT: Did you have -- you had
8 paperwork that was a deed?

9 MS. BEECH: Yes.

10 THE COURT: Okay.

11 MS. BEECH: I sent all that in.

12 THE COURT: All right. So Mr. Moore has
13 that and if he has tapped it into, we can look at
14 that part of it. But we know it's in Paradise.

15 MS. BEECH: Right.

16 THE COURT: Okay. And you want the
17 cemetery --

18 MS. BEECH: I just -- I don't know. I
19 just think nothing. I don't know. I just want
20 to find out where she was at, I guess basically
21 find where she's buried at.

22 THE COURT: So what you're telling the
23 Court is you would like to see if we have
24 information on the location?

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1 someone on site, you could keep track because
2 there's only so many ways you can get in, so.
3 But don't close it is what you're saying.

4 MR. WALKER: That's right.

5 THE COURT: In terms of restricted
6 hours, you're concerned about that?

7 MR. WALKER: Right.

8 THE COURT: Any -- anything else,
9 Mr. Walker?

10 THE WITNESS: No. That would be it,
11 Your Honor. All I can just say is, please do not
12 close it.

13 THE COURT: Thank you. Thank you very
14 much.

15 All right. Yes. Myesha Beech? Good
16 afternoon.

17 MS. BEECH: Good afternoon. My name is
18 Myesha Beech. My mother was buried in Galilee
19 February 28th, 2009. I was a freshman in
20 college. We have not been able to go see her
21 grave since, 10 years. I'm the oldest of my
22 mom's kids. It's eight of us. We don't know
23 where she's buried. The only thing we know is in
24 Paradise. She did not have a marker or anything.

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1 MS. BEECH: Right.

2 THE COURT: And then in terms of
3 visitation, you will be someone that would take
4 advantage of that --

5 MS. BEECH: Yes.

6 THE COURT: -- if we have visitation.

7 MS. BEECH: Yes.

8 THE COURT: Okay. Anything else?

9 MS. BEECH: Yeah. My mom has eight
10 kids. We all still living. We just want to know
11 where she's buried at. That's it.

12 THE COURT: And how many years ago was
13 that? 10 years?

14 MS. BEECH: 2009.

15 THE COURT: 2009.

16 MS. BEECH: That is when she got buried,
17 2009. We have not been out there. We've been
18 out there, but we don't --

19 THE COURT: So you were a freshman, but
20 now you're --

21 MS. BEECH: I'm out of college now,
22 yeah. But yeah. That's it. Thank you.

23 THE COURT: All right. Thank you.
24 Harriet Young?

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1 MS. SCURLOCK: Hello, Your Honor. My
2 name is Ethel Young Scurlock. This is my sister
3 Eugenie Young. My other sister Denise Young.
4 We're representing my mother Harriet Young.
5 She's 82 and not able to stand for herself. And
6 so we're speaking on her behalf.
7 Thank you, first of all, for your
8 compassion in this matter.
9 As we all expressed our grief in 1987,
10 my father knew that he was dying of cancer. And
11 because he knew he was dying, he purchased on
12 behalf of the family five plots at Galilee
13 Memorial cemetery. Those plots are in
14 Everlasting Life. They purchased one additional
15 plot that my Uncle Eugene Walls is buried in.
16 My father, Reverend Edgar Young, I went
17 through the state papers and we saw where he is
18 marked as being in the Garden of Everlasting
19 Life. And so on behalf of my mother, I have
20 several questions. The first thing is that she
21 does still want the opportunity for disinterment
22 and the opportunity to remove the body and place
23 it somewhere else. That is her first request.
24 Her second request is that she has an

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1 can remind me, was it a specific -- what was the
2 name of the fund? I can't remember.
3 MR. MOORE: It's a cemetery protection
4 fund for no asset -- no-asset cemetery
5 receiverships.
6 THE COURT: There was -- and that fund
7 was set up by the State of Tennessee, and it has
8 been exhausted. Aren't we almost at zero on
9 that?
10 MR. MOORE: Your Honor, I can't speak to
11 that.
12 THE COURT: Okay. Am I -- what about
13 that? General Heistand, is that right or not?
14 MS. HEISTAND: It's a revolving fund.
15 It's funded every year out of all of cemeteries
16 payments go into it, so the money --
17 THE COURT: I'll tell you -- I'll tell
18 you what she said. So the last -- we -- I
19 remember when we looked at the fund, 200,000 had
20 been spent, but it was down at that point -- I
21 mean, I think for that year, whatever the
22 revolving cycle, it was used up.
23 MS. HEISTAND: The receiverships used up
24 the funds pretty much within the years. These

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1 opportunity to remove the marker. Even though
2 the state says that they will not be able to do
3 that, when my father died, my mother was left as
4 a widow with three children to raise. She did
5 not have the money to buy the marker immediately,
6 but she did save her money to buy a joint marker
7 with her name on it with my father's name on it.
8 And so at the very least, she would like the
9 opportunity to have that marker even if it means
10 replacing that marker with another one for
11 historical records. The third thing that she
12 would like to request is some type of state
13 assistance with purchasing a grave site because
14 they purchased these in 1987. And to ask her at
15 82 to now purchase at the rate of inflation is a
16 lot.
17 The fourth request -- and this is her
18 language, not mine. As she sat there, she said,
19 if the state had \$200,000 to investigate, why
20 can't they come up with \$200,000 to help
21 compensate those who have had a loss?
22 And finally, we would like to know --
23 THE COURT: And I can -- let me answer
24 that question. There was a fund -- and Mr. Moore

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1 have been active receivership years, it's been
2 depleting it during the year. It's been quite
3 expensive the last several -- but yes, money
4 comes in to that fund every year from people
5 purchasing.
6 THE COURT: But it can't be used to use
7 a claims -- for a claims procedure.
8 MS. HEISTAND: Not to -- not for paying
9 claims.
10 THE COURT: Okay. It's for rehabbing
11 the cemeteries and --
12 MS. HEISTAND: When the cemetery does
13 not have funds of its own to fund the process of
14 having to resolve the case, to resolve the
15 essentially bankruptcy of the company, then this
16 consumer fund can pay for the services of persons
17 and the maintenance of the cemetery because it
18 had no money to pay for its own things that it
19 ought to have been able to pay for as an
20 operation. So in this case, that fund has paid
21 for trying to find out where people have been
22 buried, trying to reconstruct the records of the
23 cemetery. So it's paid for a lot of processes
24 here as well as the fence that you have heard

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1 about it. It has paid for a lot of things that
2 the cemetery itself ought to have been able to
3 pay for, but didn't have based on its claims like
4 you're saying a refund claim, that it hasn't --
5 it's not directed to a refund claim.
6 THE COURT: This is Attorney Heistand.
7 She's with the attorney general's office. And
8 what this fund is, it's set up by the
9 legislature. And I guess cemeteries, part --
10 isn't it true that cemeteries, whatever they send
11 to the state that part of that is taken out and
12 it funds this? Is that where the money comes
13 from?
14 MR. MOORE: It comes from a fee that
15 cemeteries pay.
16 THE COURT: So if you operate a
17 cemetery, you have to pay a fee and it goes into
18 this fund, but what the fund is for is to take
19 care of the cemetery and to wind it up and do
20 what the owners should have done. That's what
21 it's been designated for. It has not been
22 designated to pay claims, so it can't -- it
23 literally can't be used for that. The
24 legislature set it up so we could mow grass, put

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1 And I'm not aware of any funds, any assistance
2 through the state as the law is now help with the
3 situation like this, but -- and then there was --
4 MS. SCURLOCK: There was one last
5 question.
6 THE COURT: Yes, ma'am.
7 MS. SCURLOCK: And I think it's clear
8 that most of us feel like the sentence that was
9 handed to the younger Lambert was unfair. And
10 you have said that that is not state territory;
11 it was a local decision. How would we move
12 forward with saying we're not satisfied that we
13 would like to appeal that decision. For a
14 decision to be made of probation when we see how
15 many of us have been impacted, what is the next
16 step for us to go forward?
17 THE COURT: It is my understanding that
18 the local -- the district attorney's office
19 handled that case. Is that right, the local
20 district attorney?
21 MR. MOORE: General Weirich was in
22 charge.
23 THE COURT: All right. And when it
24 comes to these cases, the state does not have the

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1 up a fence, try to find where bodies are, try to
2 fix the records that the former owner didn't do.
3 It's a fund to rehab the cemetery, but it can't
4 pay claims.
5 MS. SCURLOCK: And if not paying claims,
6 some opportunity for state funded support in some
7 kind of way as we try to find ways to bury our
8 loved ones, but she did -- also had one other
9 question.
10 THE COURT: And let me speak to that
11 because there was someone else who asked about
12 amending the law, and I said we've got law on the
13 books. To my understanding, there is no law that
14 can -- that sets up for state assistance for
15 something like this. So I mean, that would be
16 new legislation.
17 Usually what happens is we'll go into a
18 cemetery and if there are any assets, the
19 receiver takes those, sells those, then we have
20 that money and then we can use that if there were
21 enough to pay claims. In this case, there was
22 nothing like that. There was just nothing.
23 MS. SCURLOCK: Thank you.
24 THE COURT: So that's the situation.

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1 criminal authority; that's always local. And so
2 you would need to get in touch with the DA's
3 office locally. I can tell you in other parts of
4 the state, you know, people have gone -- have
5 gone to jail, prison. I'm thinking about
6 Ms. Ringley, in particular. So there is -- those
7 punishments are out there for -- you know, for
8 these kinds of actions. And we always cooperate
9 with them to provide them information. And then
10 if they have money and can give restitution, we
11 would take that.
12 MS. SCURLOCK: Thank you.
13 THE COURT: What -- anything else on
14 behalf of your mom?
15 MS. SCURLOCK: Thank you.
16 MS. YOUNG: Thank you.
17 THE COURT: Thank you.
18 All right. Viola Woody Taylor?
19 MS. TAYLOR: Good afternoon.
20 THE COURT: Good afternoon.
21 MS. TAYLOR: I'm here with my mother.
22 She's probably the oldest person in this room.
23 She's 91.
24 THE COURT: Wow. Welcome.

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1 MS. TAYLOR: And I'll be speaking on her
2 behalf. She's been doubled -- she's had a double
3 loss. Because initially she bought a plot
4 previously for herself under the management of
5 Mr. Smith. He went bankrupt. That was paid --
6 her plot was paid for, so she lost that money.
7 She started again with a pre need under the elder
8 Jesse -- elder Lambert. And then when he passed,
9 his son took over and she's completed that
10 payment as well and now that the state has taken
11 it up, it's closed. We have several of our
12 family members there.
13 In '60, '64 her sister was buried, Susan
14 Allen. In '87, her mother was buried. And in
15 '91, her father was buried. And in 2006, her
16 husband was buried. And she has a plot. We have
17 the tombstone there, the stone for her sister was
18 there, her mother and her husband and her father.
19 When we went out -- when we got the opportunity
20 to go out there, the plot -- the headstones for
21 her sister somehow had gotten up and walked. But
22 she still had the other three that were there.
23 She had a plot right along with them. And now we
24 at Square 1 again having to start purchasing a

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1 THE COURT: Okay. All right. Any --
2 anything else, Ms. Woody Taylor?
3 MS. WOODY TAYLOR: No. That's all. I
4 just want to be able to go.
5 THE COURT: Yes.
6 MS. WOODY TAYLOR: I just want to be
7 able to go and visit.
8 THE COURT: Yes. All right. Thank you
9 very much for coming. I appreciate it. I know
10 at your age, it was a journey. So thank you.
11 That completes our hearing this
12 afternoon. Yes?
13 UNIDENTIFIED SPEAKER: I just wanted to
14 offer one more consideration.
15 THE COURT: Yes, ma'am.
16 UNIDENTIFIED SPEAKER: You do have a
17 fence there.
18 THE COURT: Yes, ma'am.
19 UNIDENTIFIED SPEAKER: And you're
20 concerned about vandalism.
21 THE COURT: Yes.
22 UNIDENTIFIED SPEAKER: Is there a way to
23 put a security gate there, you know, like a
24 security fence? And then the families that have

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1 pre need now someplace else.
2 And anyway, it's hurtful to her and to
3 me and to all of us because she has all of her
4 papers, every check, every receipt, everything.
5 And you know, like I said, double now.
6 THE COURT: Yes.
7 MS. TAYLOR: And we just want to know
8 what can be done. I heard all of the
9 testimonies. I've heard all of the statements
10 that you made, but what can be done when someone
11 is 91 and we're talking about starting all over
12 again? You know, I know it would fall on me and
13 that's fine and well, but for her just for some
14 satisfaction for her.
15 MS. WOODY TAYLOR: Because I don't want
16 it closed.
17 THE COURT: Yeah.
18 MS. TAYLOR: And she doesn't want it
19 closed because we haven't been out there to see
20 anyone. The last time we were out there, we were
21 out there with Channel 3 when they came up and
22 they could zoom us in so at least we could see
23 where it was. But we know exactly where the
24 plots are.

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1 spoken, people that are --
2 THE COURT: I've been thinking about
3 that. I've been thinking, you know, cameras and
4 technology, because maybe sometimes that is less
5 expensive. This is not my area of expertise.
6 UNIDENTIFIED SPEAKER: Okay.
7 THE COURT: But I thought about that in
8 terms of giving access. Fortunately, Mr. Moore
9 is experienced in this area because he's operated
10 cemeteries all over the state. But I was
11 thinking, you know, is there a technological
12 answer to this, but --
13 UNIDENTIFIED SPEAKER: And also, one
14 last thing.
15 THE COURT: Of course, that can be
16 expensive, but anyway.
17 UNIDENTIFIED SPEAKER: Well, would the
18 cemetery be open on Memorial Day or Mother's Day?
19 I mean, that's coming up.
20 THE COURT: Yes. Mother's Day is the
21 second Sunday in May this year; is that right?
22 UNIDENTIFIED SPEAKER: Yes.
23 THE COURT: So that would be 12th, okay.
24 We'll --

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1 UNIDENTIFIED SPEAKER: Or Memorial Day,
2 you know.
3 THE COURT: Okay. That's a good point.
4 UNIDENTIFIED SPEAKER: Thank you,
5 Chancellor.
6 THE COURT: Yes. Yes, ma'am.
7 MS. MALONE: My name was supposed to be
8 on the list.
9 THE COURT: What is your name?
10 MS. MALONE: Marva Malone.
11 THE COURT: Let me see. I think I
12 called you, but you may not have heard me. Hold
13 on. Let me see.
14 Yes, ma'am, Marva Jackson Malone, if you
15 would come forward.
16 MS. MALONE: Thank you.
17 THE COURT: Yes, ma'am.
18 MS. MALONE: Yes. My name is Marva
19 Jackson Malone. I'm hearing representing two
20 people, my sister Patricia Ann Jackson. She's
21 sitting back there. Her plot was supposed to be
22 next to my mother. My mother's plot was -- she's
23 supposed to have been buried in Everlasting Life,
24 lot Number 117A, space Number 1.

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1 right now.
2 I know everybody said almost everything
3 I've already said, but I just had to come here
4 and say this because I'm angry because I know
5 approximately where she's buried. I've seen the
6 little grave thing that they set there, but is
7 she buried there? And that's what I would like
8 to know. And if you could give me that
9 information, my sister and I would appreciate it
10 and I thank you.
11 THE COURT: Thank you.
12 Yes, ma'am. What's your name? Did you
13 file a card?
14 MS. INGRAM: I did not. I have a
15 question. Is that possible?
16 THE COURT: A couple of questions, and
17 then I'll have to stop the hearing.
18 MS. INGRAM: My name is Deborah Ingram.
19 And we're all asking for you not to close, but my
20 question is, I would like clarity.
21 THE COURT: Yes.
22 MS. INGRAM: When you close, if there is
23 a closure, exactly what does that mean? Does
24 that mean that it's a wall? Does it mean that

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1 At the time of Mother's death -- Mother
2 died and was buried on Monday, June the 30th,
3 2008. And at the time of her burial, they had
4 accused me of Mother already being dead a year
5 before, okay. And I had to inform them that I'm
6 burying my mother there and that she has a
7 policy, okay. And at the time I did not have the
8 funds to put Mother's marker there, so I was
9 paying Honest Monument at this time to have that
10 done when all this happened. And so right now,
11 I'm afraid to even put a marker there because I
12 don't know if her body is actually there in that
13 spot.
14 THE COURT: Right.
15 MS. MALONE: And so I do understand that
16 for my sister, I'm going to have to find another
17 space for her. I understand the money is gone.
18 There's no way of -- Sister, you can't recoup
19 that. So what I want to know is since we cannot
20 be buried there and since -- I'm definitely not
21 going to put a marker there not knowing if her
22 body is really there. And I know that the people
23 that own this monument is not going to give me
24 back my money either, so we're at a total loss

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1 it's permanent?
2 THE COURT: Yeah. Let me explain.
3 MS. INGRAM: What does "closure" mean?
4 THE COURT: That's a very good question.
5 Closure can include several things. When we say
6 closing the cemetery, that could mean no one else
7 can be buried there; that's one aspect of
8 closure. Another aspect would be, can people be
9 removed, disinterred from there? That's another
10 aspect of closure. Third aspect is visitation.
11 Can people come and go and visit in the cemetery?
12 And if so, what would be the structure for that
13 and what would be any restrictions on it. And
14 then the other aspect of closure would be taking
15 things, removing things like markers.
16 So there are really four parts. When we
17 say "closure," those are the four things that the
18 Court is looking at: New burials, removal,
19 disinterment, visitation, subset restrictions and
20 then removing any property i.e. headstones or
21 other things.
22 MS. INGRAM: Okay.
23 THE COURT: Yeah.
24 MS. INGRAM: My name is Deborah Ingram,

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1 and I want to go on record that I probably have
2 at least 20 members that are buried in Galilee.
3 And thank you for your time.
4 THE COURT: Thank you. Yes. Yes, sir.
5 MR. BOURLAND: I'm Pastor Eric Bourland.
6 And thank you for coming. I'll try to be brief.
7 I was not concluded on the mail. Mr. Moore did
8 e-mail me that, but after that, I had my
9 father-in-law to pass. I just had a first
10 cousin, had to do a eulogy Saturday, so I have
11 been doing funerals and counseling with family.
12 But this meeting shouldn't even be. The
13 guy that we've been working with at Bartlett,
14 Bartlett, the city, the mayor has been great to
15 let us meet. These people was not informed. We
16 had a Michael Driver, I don't know if that name
17 sounds familiar, who had promised and broke so
18 many promises with the state. That's why I guess
19 you said the state may be -- you know, people
20 coming down on the state. But we have been
21 promised that, that it will be open. He asked me
22 as being a pastor. I will not call the other
23 pastor's name because he's not here, but he's a
24 local pastor in the Bartlett area. We had

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1 no, I've been a chancellor for 24 years in
2 Davidson County.
3 MR. BOURLAND: Okay. Great.
4 THE COURT: So thank you for the
5 compliment that I don't look any younger or
6 whatever, but what is it you want?
7 MR. BOURLAND: For Shelby County --
8 THE COURT: Tell me what it is.
9 MR. BOURLAND: We were promised --
10 THE COURT: What were you promised and
11 by whom?
12 MR. BOURLAND: That this would be
13 already --
14 THE COURT: By who?
15 MR. BOURLAND: Michael driver.
16 THE COURT: Michael Driver. And his
17 position was what? Do you know what his -- he --
18 so I can just track that down.
19 MR. BOURLAND: I don't want to say the
20 wrong thing, Chancellor. I don't know if he was
21 a chancellor, but I know he come with a lot of
22 attorneys.
23 THE COURT: He was what?
24 MR. MOORE: He was the deputy general

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1 meetings and meetings. We met with attorneys in
2 Bartlett. This was supposed to have been already
3 closed.
4 THE COURT: So tell me what your -- what
5 information do you want to convey to me? What
6 are you saying?
7 MS. INGRAM: Yes, ma'am. What I'm
8 saying -- actually, what I'm saying -- I know you
9 just got probably voted in last year, probably.
10 THE COURT: No. I've actually been a
11 chancellor for 24 years.
12 MS. INGRAM: Okay.
13 THE COURT: Sorry. I'm glad I look that
14 young or new, but --
15 MR. BOURLAND: I have the wrong
16 information -- wrong information, but I don't
17 know if you just got the case.
18 THE COURT: No. I've had -- no. I've
19 had it for a while.
20 MR. BOURLAND: Okay.
21 THE COURT: It was transferred to me.
22 MR. BOURLAND: Right.
23 THE COURT: But there was another
24 chancellor handling it and then I got it. But

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1 counsel for regulatory boards at Department of
2 Commerce and Insurance.
3 THE COURT: Where is he now?
4 MR. MOORE: I know he is not in that
5 position today.
6 MR. BOURLAND: Yeah. Mr. Green, I don't
7 know if Mr. Green is here.
8 THE COURT: What did he promise? What
9 did he promise?
10 MR. BOURLAND: He promised that he
11 would -- he threw out a lot of money, not for us,
12 but who will take care of the cemetery. I went
13 out and got most civic people to help do that.
14 Never returned my calls. And then after this
15 last time, he got off it and nobody know where he
16 is. But we were promised that there would be a
17 memorial put up, a wall in case if the people
18 cannot find their loved ones, they would go
19 there. I told him, I always continue to the
20 Ground Zero and where the towers fell. I say the
21 people will never be found, but there is a water,
22 there's something to, you know, see somebody
23 there. You know, make them feel good if they're
24 on the grounds, they'll give them peace.

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1 So my wife and I and the other pastor
2 and I think the other lady spoke just a minute
3 ago, they know. They brought a lot of attorneys.
4 We met at the City Hall with the mayor and
5 another guy there. But like I said, this
6 supposed to have been happened a long time ago.
7 THE COURT: And the promise was the
8 wall?
9 MR. BOURLAND: Wall and open and close,
10 how they would operate the cemetery. No more
11 burials, but --
12 THE COURT: Yes. Did they give you any
13 details about hours open and close or was that
14 something that was being --
15 MR. BOURLAND: Well, we can't really
16 speak on that because we got so many people
17 like -- you know, like some people --
18 THE COURT: No. I mean, what did they
19 promise on that?
20 MR. BOURLAND: You know, just getting a
21 group to run it. They were going to leave it up
22 to a group, maybe a church group. The church was
23 going to take it over. I don't have a
24 congregation church myself. I have a church

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1 MS. KELLEY: Your Honor, my name is
2 Tamera Kelley and my sister Neta Scott is here
3 today. We're here on behalf of our mother,
4 Juanita Scott, who was actually buried on -- at
5 the Galilee cemetery was supposed to be buried
6 December 22nd, 2012.
7 So the reason we're here is we
8 understand that there's a lot of families here
9 that still knows where their family members are
10 buried and that they can actually pinpoint where
11 their mother or their family members' graves are.
12 We can't because our mother's casket was crashed
13 in the Garden of Eden. So I want to stand up
14 here and just make a statement, not necessarily
15 asking for the state to do anything, but just
16 make the state aware of, what about us? What
17 about the ones that can't get closure because our
18 parents or our loved ones got crushed? What
19 happens to us? Where does our closure come from?
20 Like, that's our mama. And to actually have to
21 sit through this proceeding and to actually hear
22 people say they can pinpoint this and they can
23 pinpoint that and that they don't want it to be
24 closed, but then you have my sister and I that's

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1 without walls, so I'm out in the streets, doing
2 likes like that. But the church was going to
3 take care of it, but they didn't want to have the
4 lawsuits where these lawsuits are still popping
5 up, so we want to be clear of all lawsuits. So I
6 have a lot of notes I didn't bring with me today,
7 rushing to getting off work, but my wife have
8 that and I'm sure the other pastor have.
9 THE COURT: And what is your name?
10 MR. BOURLAND: Pastor Eric Bourland.
11 I'm sorry.
12 THE COURT: Okay. If you could give
13 your contact information to Mr. Moore.
14 MR. BOURLAND: He already has it.
15 MR. MOORE: I have it already.
16 THE COURT: Okay.
17 MR. BOURLAND: My mother is buried
18 there, my niece, my uncle and aunts, everyone is
19 buried out there. But yes, thank you for letting
20 me speak. I didn't mean to --
21 THE COURT: Thank you. That's good.
22 I'm sorry to be hurrying, but I got to get back
23 on the road to Nashville. I have a rental car I
24 have to turn in.

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1 sitting here, listening to this and we can't go
2 to our mother's grave and put flowers on it. We
3 can't go to our mother's grave on holidays, on
4 Mother's Day, on any special holiday because our
5 mother is not there.
6 So I just wanted to let the state know
7 that it's another side of this situation, and we
8 that side. That's it.
9 THE COURT: Thank you.
10 MS. KELLEY: You're welcome.
11 THE COURT: Yes. We'll just go in
12 order. Yes, ma'am.
13 SHERIFF'S DEPUTY: No talking. No
14 talking.
15 MS. DAVIS: Thank you, Your Honor, for
16 giving me the privilege to come up and speak as
17 well. My name is Linda Janessa Davis, and we
18 have a brother that's buried in Galilee cemetery.
19 When I -- when our brother passed and everything
20 and as we had the services to have him buried
21 there, they took our money and they told us that
22 they was going to put him in a spot where we
23 wouldn't have no problem finding him. We went
24 there and, Judge, we didn't see him nowhere. We

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1 didn't see a body nowhere. And we don't know
2 where he is.
3 THE COURT: Do you all know where the
4 spot was? Do you remember the garden or the spot
5 because Mr. Moore could look and at least see if
6 there's a body there?
7 MS. DAVIS: His name is Thomas
8 Richardson.
9 UNIDENTIFIED SPEAKER: They didn't give
10 us any paperwork.
11 MS. DAVIS: They didn't give us no
12 paperwork or anything.
13 THE COURT: Do you know the garden?
14 UNIDENTIFIED SPEAKER: Yeah. I know
15 when you come in, it around that little circle,
16 it is right up on the hill. But let me tell you
17 about that.
18 When my uncle passed, it was about three
19 years ago, we came the same direction, went up on
20 the hill. And I'm like, that's where our brother
21 buried at, so maybe they're going to be buried
22 right next to each other. I took it upon my own
23 when they had the gardener there, I stepped up
24 and looked in the hole, wasn't no casket there.

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1 THE COURT: I don't know if we can tell
2 you where he is. We'll take the information.
3 And as far as closure, I mean, that's what this
4 is about. Something is going to be decided
5 permanently on the second --
6 UNIDENTIFIED SPEAKER: And the way I
7 feel, Your Honor, it --
8 MS. KELLEY: It was hard on us.
9 UNIDENTIFIED SPEAKER: These people,
10 everybody else feel the same way, if they had
11 knew he was going to crush they family members
12 up, I feel better if we had went on and created
13 our brother.
14 THE COURT: Right. Right.
15 UNIDENTIFIED SPEAKER: I'm angry and I'm
16 hurt inside because it's nobody but just us three
17 sisters. All the rest of them gone. It was
18 eight of us. And this is what we have to face
19 every day worried, don't know where he is. His
20 own daughter don't know where -- she's done had
21 open heart surgery. She don't know where her dad
22 at, and I can't tell her because I don't know.
23 THE COURT: And I am sorry for your
24 pain. All I have is the law and a few tools in

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1 So we don't know whether our brother at.
2 It hurts me so bad because his birthday
3 is November the 11th. And my birthday is
4 September the 11th. We celebrate our birthday --
5 used to celebrate our birthdays together, but we
6 take flowers, but we don't know where he are. We
7 don't know nothing. They didn't give us no
8 paperwork or no knowing.
9 MS. DAVIS: We paid for everything,
10 Judge. We don't even have a receipt. They
11 didn't come back and give us our receipt. We
12 don't know where our brother is. But his body is
13 out there somewhere. We don't know if he's
14 crushed or --
15 UNIDENTIFIED SPEAKER: We paid out of
16 our pockets. My sister got so ill that she had
17 two major strokes behind all this.
18 SHERIFF'S DEPUTY: No talking.
19 UNIDENTIFIED SPEAKER: So they don't
20 need to close it. We need to know where our
21 brother is.
22 THE COURT: Okay.
23 UNIDENTIFIED SPEAKER: And we need some
24 closure.

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1 that, and I'll do with it what I can.
2 UNIDENTIFIED SPEAKER: Okay.
3 THE COURT: And the rest of it, I think
4 Mr. Walker said it best.
5 MS. INGRAM: Who is Mr. Walker?
6 THE COURT: Mr. Walker was the gentleman
7 who said he was just going to leave it to a
8 higher power on some of this other part. So
9 that -- I'm just a judge and I can do the law,
10 but the other part --
11 UNIDENTIFIED SPEAKER: I'm asking -- ask
12 the state not to close the cemetery. Give these
13 people the privilege and the honor to go out and
14 see -- see if they can find they folks. That's
15 the way I feel within me and I'm pretty sure
16 y'all can do it, they'll do it.
17 MS. KELLEY: If it is God's will --
18 THE COURT: Okay.
19 MS. KELLEY: -- because he got power
20 over everything.
21 THE COURT: All right. Thank you.
22 MS. KELLEY: Thank you, Judge.
23 THE COURT: You're welcome. One more
24 person. One more person and then we got to stop.

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1 And if I'm going to take -- take this woman here
2 and then after that, there's anything that you
3 want to say, you can send it to -- just write a
4 letter to where I am in Nashville. But I'm
5 embarrassed to tell you, I have a rental car that
6 I have to get back so I got to get on the road to
7 Nashville.

8 Okay. Go ahead. Yes, ma'am.

9 MS. SANDERS: Thank you, Your Honor. My
10 name is Valerie Sanders. I'm from Atlanta,
11 Georgia. I've been coming back and forth here
12 because of my brother. He was my only brother.
13 The rest of the family gave up on him a long time
14 ago because he had been on drugs for a while.
15 But my son, my daughter, myself, we still loved
16 him. And when we came and we gather around him,
17 he changed his whole life around. He got a job,
18 got his own place, he was doing great for
19 himself.

20 He had the disease of the heart which we
21 did not know. I had been taking him back and
22 forth to his doctor. They didn't tell us. The
23 doctor said he was an old man and he died. He
24 was on 67 years old. That's what the doctor told

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1 feet up, my brother's headstone. My nephew was
2 buried in 2003. My brother's headstone was put
3 out there in 2012. He was buried in January. So
4 how could that be? So we're still wondering
5 where is my brother.

6 Please do not close it. Even if we
7 don't find my brother, we want -- they told us
8 they was going to build a wall with everybody's
9 name on it so we can come and pay -- pay --
10 privilege to come and come there and see, you
11 know, just so we can just know that he's there
12 somewhere, even though we don't know where. But
13 we can look and see his name there on the wall or
14 something. So please, whatever you all can do,
15 please, please, do not close Galilee.

16 Even though it was a hard felt place for
17 us, we still -- we know our loved ones is
18 somewhere out there. Even though when I saw all
19 those caskets sitting to the side and I went and
20 I asked them when I went out there to get my
21 brother's -- pay for his headstone, I said, why
22 are all those caskets sitting over there? The
23 young lady told me, oh, we're behind -- we're
24 behind burying. I should have -- you know, I

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1 the people in the -- for his death on his death
2 certificate. He wasn't an old man. He was doing
3 great.

4 I just want to say that we don't know
5 where my brother is buried. I bought a
6 headstone. As soon as he was -- the soonest of
7 the funeral home told us everything, I went out
8 and I got the headstone, I went out to Galilee
9 and paid for the headstone. We didn't ask for
10 him to be buried at Galilee. We wanted New Park.
11 We was told by Ford Funeral Home, they didn't
12 have a spot for him and they were going to take
13 him to Galilee. We did not ask for Galilee.

14 When we went out there, they didn't have
15 a grave for him. They told us that they was
16 going -- we had to leave and they were going to
17 dig a grave and put him there. We don't know
18 where he was buried.

19 Later when the news came on and then
20 they let us came out to visit, we couldn't find
21 my brother. We looked everywhere for his name.
22 I have a nephew that was buried out there. His
23 name was -- his name was Gary Pittman. And we
24 looked for him. We finally found him. A few

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1 should have known something then, but it was too
2 late because they already -- we had paid for the
3 grave and everything.

4 So if possible, if whatever you can do,
5 Chancellor, please, please, help us and don't let
6 them close it. Thank you. And I'm sorry for
7 taking up your time.

8 THE COURT: Thank you. Thank you.

9 All right. At this time, I'm going to
10 adjourn the hearing. Before I do that, let me
11 tell you how the next steps in this proceeding.

12 First of all, let me get my books before
13 I forget those. Yeah. Thank you.

14 What will happen next is that I will
15 meet with the receiver and the attorney general,
16 and I will take into account what I've heard
17 today and we will address the issues that have
18 been raised, the four different issues about
19 closure: Can anyone be buried in the cemetery?
20 Can bodies be removed from the cemetery? Will
21 there be visitation at the cemetery? And can
22 headstones or other items be removed? We will
23 meet on that and I will enter an order making
24 decisions on that.

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1 In addition to that, we're going to what
 2 we call wind down the receivership. That means
 3 we're going to end it. The state has done
 4 everything they can do and we've got to find
 5 someone that can take over the maintenance and
 6 care of the cemetery.
 7 And so those are the next steps. The
 8 way that the Court communicates under Tennessee
 9 law is through orders. And if you are on our
 10 list, you are getting copies of the orders. Also
 11 the attorney general, Mr. Moore, they maintain a
 12 web site and we've been posting or can post the
 13 orders on the web site. If you sent a card, then
 14 you have the address and the case number in
 15 Nashville, and I can get with the clerk and
 16 master and we can post it on our web site as
 17 well, so they could access the clerk and master's
 18 web site in Nashville when we do an order.
 19 So that's how we'll proceed. I'm going
 20 to take into account everything that I've heard
 21 today. We'll have our hearing and I'll make some
 22 final decisions about the cemetery.
 23 I just want to say thank you very much
 24 for the information that you provided me today.

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1 It's been extraordinarily valuable. And I always
 2 am motivated in my job, but I have to say this
 3 hearing has made me supremely motivated. I'm not
 4 a miracle worker. I'm just somebody who uses the
 5 law. I mean, that's my tool, and I'll do what I
 6 can with that.
 7 So all right. At this time, we will
 8 adjourn court. Thank you so much.
 9 (WHEREUPON, THE PROCEEDINGS RECESSED AT
 10 3:35 P.M.)
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 3 COUNTY OF SHELBY)
 4
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