

**IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE
FOR THE TWENTIETH JUDICIAL DISTRICT AT NASHVILLE**

STATE OF TENNESSEE,
ex rel. JULIE MIX MCPEAK, solely in her
official capacity as Commissioner of
Commerce & Insurance,

Plaintiff,

No. 14-102-II

vs.

GALILEE MEMORIAL GARDENS,
JM&M SERVICES, INC.,
LAMBERT MEMORIAL CO., aka
LAMBERT MEMORIALS, INC.
LAMBERT & SONS, INC.
JEMAR LAMBERT, MARJE LAMBERT,
and MARY H. LAMBERT, and ALL
PERSONS ACTING IN CONCERT
WITH THEM,

Defendants.

**SUPPLEMENTAL MEMORANDUM IN SUPPORT OF RULE 24 MOTION AND
MEMORANDUM TO INTERVENE FOR THE LIMITED PURPOSE OF LIFTING THIS
COURT'S STAY AS TO THE RECEIVERSHIP AND THE GALILEE DEFENDANTS**

COME NOW Defendants, M.J. Edwards & Sons Funeral Home, Inc., M.J. Edwards-Whitehaven Chapel, Inc. d/b/a M.J. Edwards Whitehaven Funeral Chapel, and M.J. Edwards Hillside Chapel, Inc. d/b/a M.J. Edwards Funeral Home Stage Road Chapel ("the Edwards Entities"), and respectfully submit this Supplement to the original Motion and Memorandum to Intervene.

I. BACKGROUND.

The Plaintiffs in the Shelby County class action case requested that this Honorable Court lift the stay for the limited purpose of allowing the parties in the Shelby County class action to

depose Mr. Robert Moore. The Defendants, in the original Motion and Memorandum, requested that this Honorable Court lift the stay more extensively, to allow additional discovery to be taken. The Edwards Entities now respectfully request that the Court resolve some other issues related to the stay and the Shelby County class action. The remaining issues are:

1. Whether Plaintiffs will be able to proceed in the Shelby County case with their requested relief that pertains to the management of the cemetery grounds, and further disposition of remains.
2. The scope of documents which Mr. Moore may be required to produce. The Edwards Entities respectfully submit that they should be entitled to see Mr. Moore's files regarding the Receivership, to the extent such documents are not privileged, in order to prepare for and use for his testimony.
3. Whether Mr. Moore and/or others from the receivership may be required to testify at a trial of the Shelby County class action. The Edwards Entities believe they can guess the Court's answer to this question, but it needs to be resolved, so that the parties will know whether Mr. Moore will be available to testify at trial. If he will not be available to testify at trial, he will need to be deposed for evidence. In that event, the Edwards Entities reserve the right to request that he be deposed twice, once for discovery as Plaintiffs apparently are requesting, and again for evidence.

II. DISCUSSION.

The Edwards Entities note that the relief requested above and by the Defendants previously, overlaps and subsumes the relief requested by the Plaintiffs, i.e. not only does it include taking a discovery deposition of Mr. Moore, but it goes beyond that. The Edwards Entities respectfully submit that it makes no sense to have two hearings on these issues. Counsel for the Receivership and the State of Tennessee have requested that the hearing on Plaintiffs'

Motion be postponed to allow them time to consider these matters and fully brief them. The Edwards Entities believe this request to be reasonable, and have consented to it in the interest of judicial efficiency and economy, and in the interest of saving expense for the parties who would have to pay their lawyers for two Court appearances, including travel for many of the lawyers.

III. CONCLUSION.

Accordingly, the Edwards Entities respectfully request that this Honorable Court conduct a single hearing on these matters and provide guidance on the issues raised by Plaintiffs' Motion, the Defendants' Motion and Memorandum, and in this Supplement.

Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that I, John R. Branson, attorney for Defendant M.J. Edwards & Sons Funeral Home, Inc., have this day mailed, postage pre-paid, a true and correct copy of the foregoing to the following:

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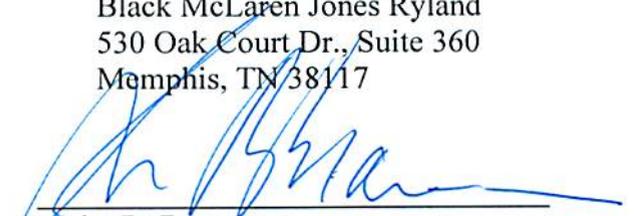
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