

IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE  
 20<sup>TH</sup> JUDICIAL DISTRICT AT NASHVILLE  
 PART II

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

FILED  
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 No. 14-102-II

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 Dav. Co. Chancery Court

AGREED ORDER LIFTING STAY FOR THE LIMITED PURPOSE OF AUTHORIZING A  
 DEPOSITION OF ROBERT E. MOORE, JR. WITH CONDITIONS

Movants Akilah Louise Wofford and the other families who are named plaintiffs in *Wofford et al. v. M.J. Edwards & Sons Funeral Home, Inc., etc*, Shelby County Chancery Court Case No. CH 14-0197, have filed a motion to lift the stay in this action, imposed by the Receivership orders, for the limited purpose of deposing Robert E. Moore, Jr., of Receivership Management, Inc., the Special Deputy Receiver, which was duly set for hearing in this Court on October 4, 2017. In response, the undersigned movants, parties, and other interested persons have agreed to allow the deposition of Mr. Moore, under the terms spelled out below, subject to the approval of this Court.

1. Julie Mix McPeak, in her official capacity as Commissioner of Commerce and Insurance for the State of Tennessee, was appointed Receiver of the cemetery known as Galilee Memorial Gardens, the receivership of which is commenced and carried out under the sole jurisdiction of this Court pursuant to Tenn. Code Ann. §46-1-312(a) and the Tennessee Cemetery Act, under this Court's prior orders. On February 21, 2014, this Court entered its Order Appointing Commissioner as Receiver for Galilee Memorial Gardens Cemetery and Granting Temporary Injunction. This Order provides in part,

“H. That there be no complaint, counter-complaint or similar action initiated or continued against the Cemetery, the property of the receivership, the Receiver or those of the Receiver's agents, in connection with this receivership otherwise than by appearing in this cause and with the permission of this Court.”

That stay and related injunctions against interference with the Receiver through discovery or other means has been reaffirmed through additional orders of this Court in light of the *Wofford* and other cases filed in Shelby County, Tennessee. The orders of this Court require that permission for any deposition or activities required of the receiver be brought before this Court.

2. The Receiver and Special Deputy Receiver, through Mr. Moore, have filed a succession of factual reports and recommendations with this Court, disclosing ongoing descriptions of the current operational and financial conditions present at the Cemetery. Mr. Moore has appeared at status conferences of this Court, and the Receiver has filed the available transcript of the status conference to discuss the Ninth Report (in 2016) and its summaries of the survey of the burial grounds and interment records of the Cemetery. Because these activities of Mr. Moore have been undertaken and occurred on behalf of the Receiver after the receivership stays were imposed, and this Court protected the Cemetery, receivership and receiver from outside

interference, discovery and litigation, the Movants and other parties to the Shelby County litigations have requested his deposition.

3. The parties have agreed that this Court should lift the stay in order to allow the Shelby County litigation parties to take Mr. Moore's deposition.

IT IS THEREFORE ORDERED BY THE COURT that the stay previously imposed by the Court shall be lifted solely for the purpose of allowing the movants and other Shelby County litigants to take the deposition of Mr. Moore, and subject to the following conditions:

- A. Pending further Orders of this Court, there shall be only one single (1) deposition taken of Mr. Robert E. Moore, Jr. with respect to the *Wofford* case and the other Shelby County litigation relating to burials at Galilee, (the "Galilee lawsuits"), and this Order shall be applicable to any and all "Galilee lawsuits." If any person or entity not participating in this agreed order wishes to take the deposition of Mr. Moore, they must come to this Court for specific permission.
- B. This Court shall retain jurisdiction over enforcement of this Order and over all issues specifically related to the statutory obligations under the Receivership, including any assertions of privilege by Mr. Moore regarding testimony or documents. All other issues related to the deposition, including any use of the deposition at trial in the Shelby County litigation, shall be exclusively within the jurisdiction of the Shelby County trial court.
- C. Because of the large number of participants, there shall be no duplicative or redundant questions by successive lawyers.
- D. The deposition shall be taken at a time and place convenient for Mr. Moore.

E. All costs of the Deposition associated with the taking of Mr. Moore's deposition shall be borne by the movants. These costs shall include, but are not limited to, compensation for Mr. Moore's time and expenses at the same rate Mr. Moore charges the Commissioner for his work for the receivership.

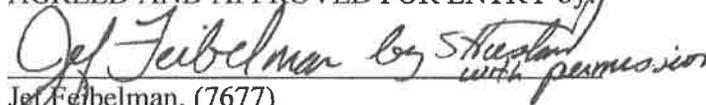
F. By agreeing to this Order, it is expressly understood that the Commissioner as Receiver and the Receivership do not waive any objections they may have to the participation of the Receiver and Receivership in the Shelby County litigation. Mr. Moore is not to be questioned in regards to any privileged information of the Receiver.

G. Other than this deposition, the Stay previously entered in this matter shall remain in place in all respects regarding Mr. Moore, as well as any other representative of the Commissioner, Receiver or the State, pending further Orders of this Court. All other pending issues are reserved.

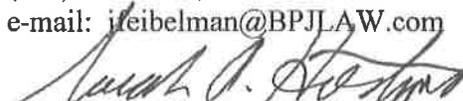
It is so ORDERED.

  
HON. WILLIAM E. YOUNG  
CHANCELLOR, PART II

AGREED AND APPROVED FOR ENTRY by:

  
Jeff Feibelman, (7677) *by Stueckland with permission*

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Movant – Families (Wofford case)

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Agreed Order has been mailed First Class Postage prepaid to the following interested parties and attorneys requesting notice and transmitted via email if shown this 4<sup>th</sup> day of October, 2017:

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