

**IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE
TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY, PART III**

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

Plaintiff,)

vs.)

No. 14-102-II(III)

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

Defendants.)

ORDER SETTING 4/23/19 HEARING ON CLOSURE OF CEMETERY

Pursuant to Tennessee Code Annotated section 46-1-312 and other Tennessee cemetery law, it is ORDERED that on April 23, 2019, this Court shall conduct a hearing from 1:00 p.m. to 3:00 p.m. in the Shelby County Environmental Court, located in the Criminal Justice Center on the 10th Floor, 201 Poplar Avenue, Memphis, Tennessee.

The first hour of the hearing, evidence shall be presented by the Receiver. That evidence shall consist of the tests and findings provided in the June 17, 2016 *Ninth Interim Report* including:

- a summary of the tasks the Receiver has performed of reviewing the internment logs, garden ledgers and burial forms of the Cemetery and

Google Earth scan; conducting a physical on-site inspection; obtaining GPR Services' ground penetrating radar; and implementing a claims procedure; and

- the results of the foregoing work in terms of the availability of ongoing burial sites and the Cemetery's records of occupied burial spaces, and the conclusions the Receiver has drawn and grid of burial sites the Receiver has prepared.

In addition, the Receiver shall provide recommendations to the Court concerning the following:

- Galilee is full and lacks suitable plots to bury persons anymore.
- Almost 580 valid claims of rights to burial plots were submitted to the Receiver. People holding burial contracts or rights cannot be buried at Galilee.
- Galilee has no money and cannot give refunds for any claims.
- Galilee's records of burial locations and of sales are unreliable.
- Grave spaces might be claimed by more than one person.
- Cemetery conditions prevent knowing exactly where specific individuals were buried.
- Galilee's gravesites can overlap or be crowded. Disturbing any grave for burying or removing a body may affect the graves of other persons.
- At the end of the receivership, the Cemetery can be placed under the care of responsible caretakers or local governments.
- To preserve the sanctity of graves, to preserve funds for future maintenance, and prevent future harm, Galilee should be limited in this way:

- Burials should be prohibited.
- Disinterment of remains should be prohibited because who is buried where is not certain and proper notice cannot be given to relatives of those buried.
- Galilee has been closed to the public. Future opening of the cemetery to allow visitation depends on having conditions on use and restrictions that preserve it from harm.

The second hour of the hearing, affected persons who have filed, by April 15, 2019, a *Notice To Participate* may address the Court for 5 minutes each.

It is ORDERED that to have an opportunity to speak at the hearing, a person must clearly request this by filing a written *Notice To Participate*, identifying yourself and how you may be contacted, and explain why you are affected by these matters.

In addition, affected persons may also file a *Written Comment or Objection* to the plans for the Cemetery even without requesting to speak at the hearing.

Any *Notice To Participate*, and any *Written Comment or Objection* must identify this case: **State ex rel. McPeak v. Galilee Memorial Gardens, et. al.; Case No. 14-0102-III**, and be delivered to Clerk & Master, Davidson County Chancery Court, Metro Courthouse, One Public Square, Suite 308, Nashville, TN 37201, no later than April 15, 2019. Please identify your name, address and a way to contact you somewhere on the document.

Affected persons will also have the opportunity to send in written comments or objections, and respond to matters discussed at the hearing for up to 30 days following the hearing.

Questions regarding the *Notice To Participate* may be made to Receivership Management, Inc., Special Deputy Receiver for Galilee Memorial Gardens, at phone number 615-370-0051.

Information on these Recommendations of the Receiver, can be found at the link provided on the website of the Tennessee Attorney General for filings in the Galilee Receivership: <https://www.tn.gov/attorneygeneral/working-for-tennessee/filings-of-interest/galilee-memorial-gardens.html>

s/ Ellen Hobbs Lyle
ELLEN HOBBS LYLE
CHANCELLOR

cc by U.S. Mail, fax, or efile as applicable to:

Sarah Hiestand
C. Scott Jackson
Howard Manis
Robert E. Moore, Jr.
Jef Feibelman
William Haynes III
Jemar Lambert
Marje Lambert
Mary H. Lambert