

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

**RECEIVED**  
**MAR 11 2019**

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. )

Davidson County Chancery Court

NF  
 No. 14-102-II(III)  
 DAVIDSON CO. CHANCERY CT.  
 CLERK & MASTER  
 2019 MAR 19 AM 9:03  
 FILED  
 D.C. & M.

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ORDER APPROVING ATTACHED FORM OF NOTICE OF HEARING REGARDING  
 GALILEE MEMORIAL GARDENS ON 4/23/2019 IN MEMPHIS

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Julie Mix McPeak, Commissioner of the Department of Commerce & Insurance, in her official capacity as Receiver of Galilee Memorial Gardens (and JM&M Services, Inc., Lambert Memorial Co., Lambert Memorials, Inc., and Lambert & Sons, Inc., the related entities through which it conducts its business), through her appointed Special Deputy Receiver, Receivership Management, Inc., and through counsel, has filed the attached Exhibit A, "Notice of Hearing Regarding Galilee Memorial Gardens" for the hearing being set by this Court by separate Order for April 23, 2019. The Court hereby approves the Receiver's use of the Exhibit A Notice, [redacted] ENL

EHC

modified by the Court in Exhibit A if such modification appears] and directs the Receiver to give

notice in the manner indicated by that notice, as feasible for mailing, and according to the Court's  
to claimants, ~~Attorney Robert E. Moore~~ *to Attorney Howard B. Mays*,  
additional instructions pertaining to the method of notice (if any follow):

*and by any other method and means the Receiver determines  
in his discretion is feasible and effective to provide notice.*

It is so ORDERED.

*Ellen Hobbs Lyle*

HON. ELLEN HOBBS LYLE  
CHANCELLOR, PART III

APPROVED FOR ENTRY by:

*Sarah Ann Hiestand*

Sarah Ann Hiestand (BPR #014217)  
Senior Assistant Attorney General, Financial Division  
C. Scott Jackson, (BPR #011005)  
Deputy Attorney General, Financial Division  
Tennessee Attorney General's Office  
P.O. Box 20207  
Nashville, TN 37202  
(615) 741-6035; 615-532-8223 facsimile  
e-mail: Sarah.Hiestand@ag.tn.gov  
Counsel for the Receiver

*Robert E. Moore Jr. by S. Hiestand with permission*

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

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

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing Proposed Order Approving Attached Form of Notice of Hearing Regarding Galilee Memorial Gardens on 4/23/2019 in Memphis has been mailed First Class Postage prepaid to the following interested parties and attorneys requesting notice and transmitted via email this 11<sup>th</sup> day of March, 2019:

Jemar Lambert - (To Lamberts collectively also via Priority Mail)  
3174 Ruby Cove  
Memphis, TN 38111

Marje Lambert  
3174 Ruby Cove  
Memphis, TN 38111

Mary H. Lambert  
3174 Ruby Cove  
Memphis, TN 38111

Individual Defendants in Receivership case, pro se

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Handel R. Durham, Jr.  
Jonathan Mosley  
22 North Front Street, Ste. 760  
Memphis, TN 38103  
ph: 901.543.0866 fax: 901.543.0865  
Via email to [hdurham@durhamslaw.com](mailto:hdurham@durhamslaw.com); [jonathan.mosley@jtmosleylaw.com](mailto:jonathan.mosley@jtmosleylaw.com)

Coleman Garrett  
295 Washington Av, Suite 2  
Memphis, TN 38103  
Via email to [cwgarrett@bellsouth.net](mailto:cwgarrett@bellsouth.net)

Counsel for Lamberts in Shelby County cases

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Courtesy Copy to:

Emily Walker, CTFA, VP & Trust Officer  
Commercial Bank & Trust Company  
Trust Division  
P.O. Box 1090  
Paris, TN 38242  
Via email to [EWalker@cbtcnet.com](mailto:EWalker@cbtcnet.com)  
Trustee of Trusts for Galilee Memorial Gardens

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

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

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

John R. Branson  
Jacob A. Dickerson  
Baker, Donelson, Bearman, Caldwell & Berkowitz  
First Tennessee Building  
165 Madison Avenue, Suite 2000  
Memphis, TN 38103  
(901) 526-2000  
Via email to [jbranson@bakerdonelson.com](mailto:jbranson@bakerdonelson.com)

Defense Liaison for Funeral Homes in Shelby County Class cases

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

Person requesting notice of proceedings.



SARAH ANN HIESTAND

MAR 11 2019

NOTICE OF HEARING REGARDING GALILEE MEMORIAL GARDENS  
 Dav. Co. Chancery Court

**A hearing regarding burial rights, disinterment rights, visitation rights, and future maintenance and upkeep of Galilee Memorial Gardens cemetery in Bartlett, TN will be heard on April 23, 2019, from 1:00 p.m. to 3:00 p.m. in the Shelby County Environmental Court, located in the Criminal Justice Center on the 10<sup>th</sup> Floor, 201 Poplar Avenue, Memphis, Tennessee.** This hearing will be held by Chancellor Ellen Hobbs Lyle, presiding over the cemetery receivership in Davidson County Chancery Court Case No. 14-0102-III, pursuant to Tennessee law, Tenn. Code Ann. § 46-1-312, and other cemetery law.

The cemetery receivership is winding up. The corporations and businesses that owned and operated Galilee Memorial Gardens are being dissolved, and they have no money to distribute.

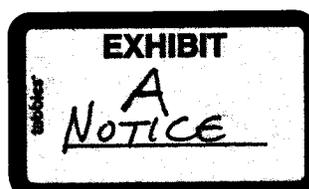
**You are receiving this Notice because you are either listed as an owner of a burial plot, or have filed a claim for burial rights, in Galilee Memorial Gardens (Galilee). At the two-hour hearing, these claims and future operational issues will be presented, so that the receivership Court later will issue appropriate orders. You are being given this opportunity to respond or comment about the plans for Galilee so that the Court may consider it.**

These are some typical rights concerning cemeteries and graves directly impacted by Galilee's poor condition:

- (1) The right to bury persons in plots that were purchased from Galilee;
- (2) The rights to visit a cemetery that is opened for the purpose of honoring kin;
- (3) The right to seek legal permission to "disinter" or move a body elsewhere;

The state receiver has reported facts that are IMPORTANT and recommended plans for Galilee's future that may directly affect your rights:

- \* 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.



## **How the Hearing Will Be Conducted and How You May Tell the Court Your Views:**

On April 23, 2019, from 1:00 to 2:00 p.m., the receiver will present evidence and explain the findings and recommendations. In the 2nd hour, the Court will hear from affected persons who file a written Notice to Participate in response to these matters on or before April 15, 2019.

**INSTRUCTIONS:** To have an opportunity to speak at the hearing, you 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, no later than April 15, 2019. Participation by claimants or affected persons will be limited to five (5) minutes' speaking time each, as approved by the court on that day. The Court may group persons who have similar positions and hear from just some of those who ask to participate in person. \_\_\_\_\_

You can also file a **Written Comment or Objection** to the plans for the cemetery even without requesting to speak at the hearing.

**DEADLINE AND WHERE TO SEND:** Any Notice to Participate, and any Written Comment or Objection that you want the receivership Court to consider before the hearing, should 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.

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

Questions regarding this Notice, [and the recommendations of the Receiver of the cemetery], 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: [PLACE LINK HERE and other SOURCES ]

<https://www.tn.gov/attorneygeneral/working-for-tennessee/filings-of-interest/galilee-memorial-gardens.html>

(Prior materials will be gathered under matters for hearing April 23, 2019).