

**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.)
)
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.)

No. 14-102-II(III)

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

On March 18, 2019, the Court entered an Order setting a hearing for 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 10th Floor, 201 Poplar Avenue, Memphis, Tennessee. This Order is an amendment to change the composition of the hearing.

The change in the hearing is as to the first hour. Previously in the March 18, 2019 Order it provided that in the first hour of the hearing evidence would be presented by the

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

By the April 15, 2019 deadline there have been more *Notices to Participate* than can be covered in one hour. For this reason, it is ORDERED that testimony by the Receiver is removed and eliminated from the hearing, and the entire hearing is allocated to affected persons who have filed, by April 15, 2019, a *Notice to Participate*.

It is further ORDERED that the Office of the Attorney General shall provide for a court reporter to transcribe the hearing.

The authority to conduct the April 23, 2019 hearing is located in Tennessee Code Annotated section 46-1-312(e)(9) which provides for “hearings as the Davidson County Chancery court may prescribe” upon a receiver applying to the Court with a plan for “other transformation of the cemetery.”

In this case, the Receiver’s plan for Galilee Memorial Gardens for which it is seeking Court approval is as follows.

- 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.

Under all of these circumstances the Court prescribes that the two-hour April 23, 2019 hearing in Shelby County is devoted entirely to persons who filed a *Notice to Participate* for those persons to have the opportunity to address the Court. No testimony shall be heard from the Receiver.

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