

COPY

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

RECEIVED

DAV. CO. CHANCERY COURT

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. )

No. 14-102-11

FILED  
2014 JAN 24 PM 2:12  
CLERK AND MASTER  
DAVIDSON CO. CHANCERY CT.  
DC&M

TEMPORARY RESTRAINING ORDER

This cause came to be heard on the Application of the State of Tennessee on relation of Julie Mix McPeak solely in her official capacity as Commissioner of Commerce and Insurance of the State of Tennessee. Based upon the Application, supporting Affidavits of Robert Gribble, Roy Bozeman and Robert S. Durham, the Exhibits attached to those affidavits, other supporting documents and the entire

record, the Court finds that the Application is well grounded and ought to be granted.

I  
FINDINGS OF FACT

In support of the issuance of this Order, the Court makes the following findings of fact:

1.1. Julie Mix McPeak (Commissioner) is the duly appointed and acting Commissioner of Commerce and Insurance of the State of Tennessee. The Commissioner has the authority to bring this action and to seek injunctive relief pursuant to Tenn. Code Ann. § 46-1-301 and Tenn. R. Civ. P. 65.03.

1.2. The Commissioner filed a Petition for her appointment as receiver of Galilee Memorial Gardens (Galilee) pursuant to Tenn. Code Ann. § 46-1-312. That Petition is pending and the Commissioner filed this Application contemporaneously with such Petition.

1.3. The District Attorney General of the 30<sup>th</sup> Judicial District has an active criminal matter pending against one or more of the Defendants who are named in this action. To give the Defendants prior notice of the Commissioner's application could hinder or impede that investigation.

1.4. Galilee is a cemetery that is located at 8283 Ellis Road, Memphis, TN, 38133, an area also called Bartlett, TN. It is subject to regulation under the Cemetery Act of 2006, as amended, Tenn. Code Ann. Title 46, chapters 1 and 2, (Act). The Defendants named in this action are the companies connected with and individuals who own, manage and operate Galilee, each of whom list their

respective addresses on documents filed with the Commissioner as the same Galilee address, including Jemar Lambert, Marje Lambert, Mary H. Lambert, and their closely held corporation JM&M Services, Inc. that does business as Galilee. Defendants Lambert Memorial Co., Lambert Memorials, Inc. aka Lambert & Sons, Inc. are other business names that transact business of Galilee and/or are names in which one or more of its accounts are held. Because of their relation to Galilee, all these Defendants are necessary to an order securing injunctive relief connected with operation of the cemetery and to prevent further violations of the Cemetery Act.

1.5. The Commissioner has submitted sufficient evidence to show a likelihood of success on the merits of this action. Galilee has conducted operations without a valid certificate of registration since December 2010. In addition, there is evidence that the cemetery reached full capacity in 2010 and that it is therefore unlikely that Defendants can continue to provide burial merchandise and services or meet its other obligations as they become due. Further, there is evidence there are deficiencies in Galilee's improvement care trust fund.

1.6. There is a substantial likelihood that the Commissioner and the public will be irreparably harmed unless the application is granted. Without the entry of this order, it is possible that one or more of the Defendants will conceal or destroy records or withdraw or transfer funds or sell, transfer, conceal, destroy or dispose of assets and thus render less effective the relief that could be provided through the appointment of the Commissioner as receiver in this cause.

1.7. The entry of a Restraining Order in this cause will impose little or no hardship upon the Defendants. Such an order will do nothing more than preserve the status quo until the Commissioner's Petition for her appointment as Receiver of Galilee can be heard.

Now therefore, in view of the foregoing, it is hereby ORDERED that:

1. The Commissioner's Application for a Restraining Order be and hereby is GRANTED and that for good cause shown, the prior notice of an application for a restraining order that is required under section 19.02(a) of the Local Rules be and hereby is waived.

2. Pending further orders of the Court, it is hereby ORDERED that the Defendants be and hereby are RESTRAINED and PROHIBITED from engaging in any or all or the following acts:

2.1. From engaging in the business of operating a cemetery in violation of the Cemetery Act of 2006, Tenn. Code Ann. Title 46, chapters 1 and 2 (Act);

2.2. From concealing or destroying any books, papers, records and other documents related to the operation and management and business activities of Galilee Memorial Gardens (Galilee);

2.3. From transferring, withdrawing, concealing or disposing of any cash that is held on deposit in any bank, credit union or other financial institution in any account that is owned by or held for the benefit of Defendants or to sell, destroy, conceal or make any other disposition of Galilee's assets, wherever located.

3. The hearing on the Commissioner's Application for a Temporary Injunction is set for February 6 at 2:00 p.m. in Part II of this Court.

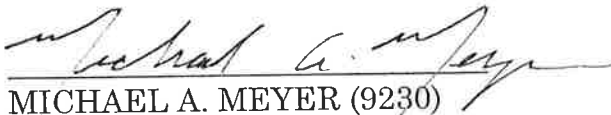
4. This Restraining Order will remain in effect until dissolved by further Order of this Court or operation of law.

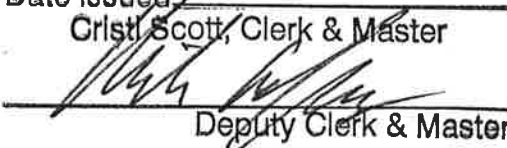
5. Any expenditure or other action Defendants believe need to be undertaken during the pendency of this Order shall be presented to the Court for approval.

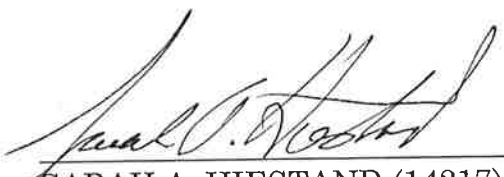
Entered this        day of January, 2014 at        .

  
\_\_\_\_\_  
CHANCELLOR, PART

APPROVED FOR ENTRY:

  
\_\_\_\_\_  
MICHAEL A. MEYER (9230)  
Deputy Attorney General  
Special Litigation Division

Date Issued JAN 24 2014  
Crist Scott, Clerk & Master  
  
\_\_\_\_\_  
Deputy Clerk & Master

  
\_\_\_\_\_  
SARAH A. HIESTAND (14217)  
Senior Counsel  
Financial Division  
P.O. Box 20207  
Nashville, TN 37202  
(615) 741-6035; fax 532-8223

CERTIFICATE OF SERVICE

The undersigned certifies that this Pleading will be served on the below listed Defendants at the same time and in the same manner as the Summonses and the Petition for Appointment of Receiver that has been filed in this cause on the 24<sup>th</sup> day of January, 2014:

Galilee Memorial Gardens  
8283 Ellis Road  
Memphis, TN 38133

JM&M Services, Inc.  
8283 Ellis Road  
Memphis, TN 38133

Lambert Memorial Co, aka Lambert Memorials Inc.  
Lambert & Sons, Inc.  
8283 Ellis Road  
Memphis, TN 38133

Jemar Lambert  
8283 Ellis Road  
Memphis, TN 38133

Marje Lambert  
8283 Ellis Road  
Memphis, TN 38133

Mary H. Lambert  
8283 Ellis Road  
Memphis, TN 38133

  
MICHAEL A. MEYER