

# CASE STUDIES

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## Minimal Damages in \$1.2 Billion Class Action Trial

Class Action Litigation / 2018

**Client industry:** Funeral services

**Type of case:** Class action alleging mishandling of human remains

**Court:** Chancery Court of Shelby County, Tennessee

**Length of trial:** 20 days

**Amount in dispute as to our client:** \$1.2 billion

**Result:** Verdict against our client for \$18,108

This case arose from the mishandling of approximately 1,200 sets of human remains at a cemetery in Memphis, Tennessee. The case was certified as a class action, with the plaintiffs' class comprising all those who had executed a contract for the funeral of a set of those remains, along with all those who qualified as legal "next-of-kin" of a set of those remains, buried at the cemetery within the class period. The defendants, which were comprised of the cemetery and a number of local funeral homes, were not put in a class. Our client owns three funeral homes, each of which were named as defendants.

It was undisputed that the cemetery kept poor records, such that bodies could not be located at a particular place in the cemetery; that the cemetery was operating without proper authorization by the state; that caskets were buried in swampy areas and under walkways; that some caskets were stacked four or five deep in a single gravesite; and that it could not be proved with any certainty that any set of remains was where it was supposed to be. The cemetery ultimately was closed by the state.

The plaintiffs alleged that while the cemetery committed the mishandling, the funeral homes knew or should have known not to take remains there for burial. Extensive discovery was taken over a period of years, and there were two interlocutory appeals, but the case eventually went to trial.

The plaintiffs' class was so large, and public interest so high, that Shelby County had to construct a temporary courtroom that took up an entire floor of an office building. The Chancellor allowed TV news cameras in the courtroom, and there were hundreds of spectators every day.

After about a month of trial, the jury found our clients liable for one percent of fault, which equaled out to damages of \$7,500 per set of remains. This meant that for the 241 set of remains our clients were responsible for, plus a pro rata share of some unclaimed ones at \$75 per set, the total damages were \$18,108 in total, rather than the \$1.2 billion dollars sought.