



Consumers to Benefit in Settlement of Funeral Abuse Lawsuit.



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WASHINGTON -- 194 pre-need funeral contract purchasers -- potential victims of funeral home abuse -- will benefit under the settlement of a lawsuit brought by outraged family members of a deceased victim, Gladys Bohn (Brady v. Santa Cruz Mausoleum Corp.).

In 1989, Gladys Bohn of Modesto arranged and prepaid the entire bill for her funeral, which included transportation of her remains to a specific funeral home, as well as preparation of her body for viewing. Ms. Bohn specified which casket to use as well as the specific flowers she wanted at her services. Her nephew claims that she also provided the funeral home with the dress and shoes she wanted to be viewed and buried in.

When Ms. Bohn died in 2000, however, her family charges that the funeral home refused to transport her remains to the funeral home unless the family paid an additional amount, even though Ms. Bohn had prepaid for all funeral-related expenses and costs.

According to the lawsuit, when Ms. Bohn's nephew arrived at the funeral home where his aunt's remains were supposed to be prepared, her remains were not there. After Ms. Bohn's family tracked down her remains at a different location, the funeral home then delivered the remains to the cemetery without providing the clergy ceremony, flowers or viewing that Ms. Bohn had paid for and requested. When the family arrived at graveside, they found that the remains were in a flimsy casket that looked like it was made of Styrofoam, instead of the "princess"-style wood casket Ms. Bohn had chosen.

With lingering concerns and confusion about the events surrounding Ms. Bohn's burial, the family had the body disinterred six months later in order to confirm her identity. To their horror, they discovered that her body was still dressed in a hospital gown and in a body bag, with her head resting on a pillow marked with the hospital's logo. The family claims that her body had not been prepared as she had requested.

In June 2001, AARP joined the litigation as co-counsel representing Ms. Bohn's relatives in their lawsuit against the funeral home involved, Santa Cruz Mausoleum Corp. (SCMC). Ms. Bohn, along with 193 other consumers, had purchased her pre-need contract from a different funeral home, White & Wessendorf's (White's). White's was shut down after its owner embezzled the funeral trust fund money it was holding. After the trust fund was restored through court supervision, SCMC purchased White's

and took over the servicing of White's pre-need contracts. After this lawsuit was filed, it was discovered that SCMC did not notify White's customers of the change in ownership or that the trust fund money had been converted into funeral insurance policies. Since SCMC did not use the name White's, maintain White's telephone number or operate its funeral homes at the same location, many of the former White's customers and their families had no way of knowing how to obtain the services they had paid for under their contracts.

A settlement was recently reached in the case, which requires the defendant, SCMC, to honor the terms of all pre-need funeral contracts for which its funeral homes must provide services. In addition, SCMC will send notices to the other former White's customers informing them of their rights and benefits under their contracts and insurance policies, and whom to contact and how their family may arrange services upon their death. SCMC also agrees to provide a consumer education pamphlet to all its pre-need funeral customers.

Consumers across the country are experiencing problems similar to those faced by Ms. Bohn's family. In addition to failing to provide services for which consumers have paid in advance, some pre-need funeral providers are aggressively marketing and selling products and services that consumers do not want or need. Many are also inflating prices and including terms and conditions in their contracts that are so vague that family members cannot determine the wishes of the deceased, and therefore find it difficult to ensure that what was paid for is provided.

Serious problems have also arisen across the country with providers and contractors mishandling, mismanaging, and sometimes embezzling the pre-paid money placed in trust to pay for future funeral services and products.

AARP has long been involved in providing consumer education, and advocating for improved consumer protections in federal and state legislative and regulatory bodies. The average cost of a traditional funeral with an in-ground burial is about \$7,500. For many older persons, the purchase of funeral and burial services is one of their largest lifetime expenditures.

The high cost of services, consolidations in the industry, and the extremely emotional nature of the transaction, as well as the confusion and emotions that a family experiences at the time of the funeral and burial, combine to make this a situation in which consumers can easily fall prey to predatory practices. AARP is working to ensure that consumers are well protected from fraudulent or deceptive practices during these difficult times.

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