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JOAN LIGHT, SHIRLEY EISENBERG,  
CAROL PRISCO and GLORIA ZIMMER,  
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Plaintiffs,  
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vs  
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SCI FUNERAL SERVICES OF FLORIDA,  
INC., a Florida corporation d/b/a MENORAH  
GARDENS & FUNERAL CHAPELS, SERVICE  
CORPORATION INTERNATIONAL, a Texas  
Corporation, MENORAH PARTNERSHIP, a  
Florida General Partnership, and SHARON  
GARDENS LIMITED PARTNERSHIP, a Florida  
Limited Partnership,  
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:  
Defendants.  
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\_\_\_\_\_  
X

CASE NO. 01-21376 CA 08

**NOTICE OF CLASS CERTIFICATION  
AND  
NOTICE OF PROPOSED CLASSWIDE SETTLEMENT  
AND  
NOTICE OF RIGHT TO OPT-OUT**

**TO:** All persons with burial plots or family members buried at Menorah Gardens and Funeral Chapels located at 21100 West Griffin Road, Fort Lauderdale, Florida, 33322, and 9321 Memorial Park Road, West Palm Beach, Florida 33412. This includes those whose claims rest on pre-need contracts which they or their deceased family members purchased, also known as the "Pre-need Class." This also includes those whose claims rest on at-need contracts which they or a deceased family member purchased, also known as the "At-need Class." The class does not include persons whose claims have been reduced to judgment or settled as of the date the class is certified, and Defendants' officers, directors, subsidiaries or any other person related to, affiliated with, or employed by Defendants.

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**PLEASE READ THIS NOTICE CAREFULLY AND IN ITS ENTIRETY.  
YOUR RIGHTS MAY BE AFFECTED BY THE LEGAL PROCEEDINGS IN THIS ACTION.**

You may be a member of the class of persons defined above. This notice: 1) identifies the persons covered by the class; 2) describes the case; 3) apprises potential class members of a proposed classwide settlement, the terms of the proposed settlement and the procedure for objecting to the proposed settlement; and 4) apprises potential class members of their legal right to opt-out of this class action as to certain aspects of the case and exclude himself or herself from the class and not benefit or be bound by the class action litigation or any judgment entered, either favorable or unfavorable.

**I. DESCRIPTION OF THE LITIGATION**

The following recitation does not constitute findings or determinations of the Court. On December 19, 2001, Plaintiffs Joan Light, Shirley Eisenberg and Carol Prisco filed a class action Complaint against Defendants SCI Funeral Services of Florida, Inc. ("SCI Florida") and Service Corporation International ("SCI"). SCI is the parent corporation of SCI Florida. The Defendants own and operate Jewish cemeteries known as "Menorah Gardens." The Plaintiffs brought the class action lawsuit on behalf of all persons with burial plots or family members buried at Menorah Gardens & Funeral Chapels in Florida.

Plaintiffs claimed that Defendants buried the remains of Plaintiffs' relatives in the wrong locations and/or in a way that encroached on other plots. Plaintiffs also claimed that Defendants plotted and sold burial plots with insufficient space, with the result that there was inadequate room to place bodies in their proper location when the remains were ready for burial.

Plaintiffs alleged the following causes of action: tortious interference with dead bodies (Count I); intentional or reckless infliction of emotional distress (Count II); equitable and injunctive relief (Count III); unfair or deceptive acts or practices under Fla.Stat. § 497.445 (Count IV); failure to maintain cemeteries in a reasonable and dignified condition pursuant to Fla.Stat. § 497.103 and Fla.Admin. Code R. 3F-6.002 (Count V); deceptive and unfair trade practices under the Florida Deceptive and Unfair Trade Practices Act, Fla.Stat. § 501.201-213 (Count VI); and negligence (Count VII). Plaintiffs sought injunctive and equitable relief as well as money damages.

Defendants denied these claims, denied that there had been any wide-scale wrongdoing at the SCI cemeteries and denied that these claims could be brought as a class action.

After several days of hearings before Judge J. Leonard Fleet, in which the Court heard testimony and argument from the parties, by order dated March 14, 2003 Judge Fleet allowed Plaintiffs to add a claim for punitive damages and by order dated August 19, 2003 Judge Fleet certified the

case as a class action. Judge Fleet appointed Ervin A. Gonzalez of the Law Firm of Colson Hicks Eidson and Neal W. Hirschfeld of Greenspoon Marder Hirschfeld Rafkin Ross & Berger and their respective law firms as co-lead counsel for the case.

## **II. THE PROPOSED SETTLEMENT**

On December 2, 2003, counsel for the Class, counsel for SCI and counsel for SCI Florida announced that they had reached agreement on the terms of a proposed classwide settlement, subject to approval by the Court, and that they would undertake to reduce the terms of that settlement to a formal legal document. A formal settlement agreement was filed with the Court on March 5, 2004 (the "Settlement Agreement"). This section summarizes the provisions of the Settlement Agreement. A complete copy of the Settlement Agreement is available on the Menorah Gardens Class Action website ([www.cemeteryclaims.com](http://www.cemeteryclaims.com)) available from the Settlement Administrator, The Garden City Group, Inc., at the address and phone number listed in Section VII of this Notice.

The Settlement Agreement provides for a settlement fund of \$65 million. This amount was paid into an escrow account on February 12, 2004. The Settlement Agreement allocates \$40 million of this fund to compensatory damages and \$25 million for punitive damages. The Settlement Agreement also provides that this allocation may be modified by the Court if the Court determines that the allocation is not fair and reasonable.

The Settlement Agreement also provides for the continued remediation of the Menorah Gardens cemeteries. It provides for the appointment of an Examiner to oversee that remediation and for the appointment of a "Blue Ribbon" panel to review the work of the Examiner. It provides for completion of surveys of the cemeteries by the Examiner and review of those surveys by the Blue Ribbon Panel. The Settlement Agreement provides that upon completion of remediation, appropriate steps shall be taken to resanctify the cemeteries.

The Settlement Agreement also provides that if there is insufficient room to bury a class member adjacent to an already-buried family member, Defendants agree to pay the cost of disinterment of the already-buried family member, the cost of new plots for all family members with adjoining spaces, and the reinterment costs for the already buried-family members.

The Settlement Agreement is contingent upon final approval by the Court, after notice is given to all class members and they are given the opportunity to support the settlement or object to it. The Settlement Agreement is also contingent upon the consummation of certain individual settlements for the total sum of \$35 million. These individual settlements include all known cases of grave desecration, as well as certain claims brought by former employees of SCI and SCI Florida.

The Settlement Agreement is also contingent on the number of class members who opt-out of the class. In particular, it provides that the Defendants may withdraw from the Settlement Agreement if more than 125 class members (excluding certain class members who have filed a separate lawsuit in Palm Beach) opt-out. The Settlement Agreement is also contingent on various other conditions explicitly detailed in that agreement.

The Settlement Agreement will not become final until it receives final approval by the Court. If that final approval is appealed, the Settlement Agreement will not become final, and no distribution may take place, until such appeals are concluded.

## **III. CLAIMS PROCEDURE**

The Court has made no determination as to how the \$65 million settlement fund will be distributed in the event the Settlement Agreement is approved by the Court. If the Settlement Agreement is approved by the Court, claim forms will be mailed to all people known to have relatives buried in the Menorah Gardens cemetery. Notices will also be published in local and national newspapers describing how to obtain claim forms. Claim forms will also be available on the Menorah Gardens Class Action website ([www.cemeteryclaims.com](http://www.cemeteryclaims.com)).

Any class member who has not opted-out of the class action, and who wishes to make a claim, will be required to submit a claim form. Upon receipt of these claim forms, the Examiner will determine whether there is any problem with: (1) the grave space which is the subject of the claim; (2) a related family member's grave space (a related family member is one who owns an adjacent grave space to the grave space described within the claim form, and it was the intention of those family members to be interred in adjacent grave spaces); (3) the burials therein; or (4) the memorial thereon. The Examiner then will inform each person who has filed a claim whether there is any problem with that grave space, or the burial therein, or the memorial thereon and, if so, the nature of the problem. Once the Examiner determines the number of claims which have problems, and the nature of such problems, he will establish a procedure for correction of those problems, and will also propose a schedule of monetary compensation based on the nature of and number of such problems. This schedule of monetary compensation will become effective only after it is approved by the Court.

If there is a problem with a particular gravesite, this does not mean that all family members of the decedent will be entitled to monetary compensation. As part of the claims procedure, the Court will determine the degree of family relationship, i.e., spouse, parent, child, grandchild, necessary to support a claim for monetary compensation. The Court has not yet made any such determination.

If the Examiner denies a claim, he will send a letter to the person making the claim describing the reason why the claim was denied. The person making the claim will then have an opportunity to seek review from the Court regarding the reasons for the Examiner's denial.

## **IV. ATTORNEYS FEES AND COMPENSATION FOR NAMED PLAINTIFFS**

Class Counsel intend to apply to the Court for an award of attorneys fees and reimbursement of expenses, with such fees and expenses to be paid from the Settlement Fund. Class Counsel's motion for attorneys fees and costs will be filed on or before June 1, 2004. It will be available for inspection by class members on the Menorah Gardens Class Action website ([www.cemeteryclaims.com](http://www.cemeteryclaims.com)) or by contacting the Settlement Administrator, The Garden City Group, Inc., at the address and phone number listed in Section VII of this Notice.

Class Counsel also intend to apply to the Court for an award for Joan Light, Shirley Eisenberg, Carol Prisco and Gloria Zimmer, the named plaintiffs who brought this action, to compensate them for bringing and prosecuting this action. This motion will also be filed on or before June 1, 2004 and will be available for inspection by class members on the Menorah Gardens Class Action website ([www.cemeteryclaims.com](http://www.cemeteryclaims.com)) or by contacting the Settlement Administrator, The Garden City Group, Inc., at the address and phone number listed in Section VII of this Notice.

**V. FAIRNESS HEARING AND RIGHT TO OBJECT**

The Court has set a hearing for September 20, 2004 and continuing to September 21, 2004, if necessary, for the purpose of determining whether to grant final approval to the Settlement Agreement. Any class member who wishes to object to the fairness, reasonableness or adequacy of the Settlement Agreement, the amount of attorneys fees and costs requested by class counsel or the amount requested for the named plaintiffs, must file with the Court and serve on Class Counsel and counsel for the Defendants, a written statement of objection, stating the specific reasons, if any, for each objection, including any legal support the class member wishes to bring to the Court's attention and proffering any evidence the class member wishes to introduce in support of the objection.

Class members may object either on their own or through an attorney hired at their own expense. If a class member hires an attorney to represent him or her, the attorney must (a) file a notice of appearance with the Court by 4:00 p.m. on July 1, 2004 and serve a copy of such notice of appearance on class counsel and counsel for Defendants at the addresses set forth below.

Any such objection must be filed by 4:00 p.m. on July 1, 2004 in order to be considered by the Court. Any class member who fails to comply with these provisions for objecting to the Settlement Agreement, the request for attorneys fees and costs or the request for compensation of the named plaintiffs waives and forfeits any and all rights he or she may have to appear before the Court at the September 20-21, 2004 hearing and object to the Settlement Agreement or the request for attorneys fees and costs.

Any objection to the Settlement Agreement, the request for attorneys fees and costs or the request for compensation for the named plaintiffs should be filed with the Clerk of the Court at the following address:

Clerk, Circuit Court  
Broward County Courthouse  
201 S.E. 6th Street  
Fort Lauderdale, FL 33301

Any such objection must also be mailed to class counsel, counsel for the Defendants, and the Settlement Administrator, The Garden City Group, at the following addresses:

Ervin A. Gonzalez, Esq.  
Colson Hicks Eidson  
255 Aragon Ave.  
Coral Gables, FL 33134

Neal W. Hirschfeld, Esq.  
Greenspoon Marder Hirschfeld  
Rafkin Ross & Berger  
Trade Centre South  
Suite 700  
100 West Cypress Creek Road  
Ft. Lauderdale, FL 33309

Barry Davidson, Esq.  
Hunton & Williams  
Barclays Financial Center  
Suite 2500  
1111 Brickell Avenue  
Miami, FL 33131

Dennis M. O'Hara, Esq.  
Wicker Smith O'Hara McCoy  
Graham & Ford, P.A.  
515 East Las Olas Boulevard  
Suntrust Bank, Suite 1400  
Ft. Lauderdale, FL 33302

Menorah Gardens Settlement Administrator  
The Garden City Group, Inc.  
P.O. Box 8856  
Melville, N.Y. 11747-8856

**VI. RIGHT TO OPT-OUT**

Individual class members do not have the right to opt-out and exclude themselves from this class action to the extent that the class action will determine equitable issues, such as those relating to implementation of any plan to correct the alleged problems at the cemeteries. All class members will be bound by any judgment, either favorable or unfavorable, on such equitable issues.

Individual class members have the right to opt-out and exclude himself or herself from this class action and not benefit from or be bound by any judgment, either favorable or unfavorable, as it relates to compensatory monetary damages. An individual who opts-out and excludes himself or herself from this class action may, without limitation, pursue his or her own claim for compensatory monetary damages. If you opt-out and exclude yourself from this class action, you will not be entitled to participate or benefit from that portion of the Settlement Agreement described above relating to compensatory damages, or, if the Settlement Agreement is not approved, any subsequent compensatory damage award rendered in this class action.

An individual who opts-out and excludes himself or herself from this class action may be precluded from pursuing on his or her own a claim for punitive monetary damages. An individual who opts-out and excludes himself or herself from this class action may also be precluded from participating in that portion of the Settlement Agreement described above relating to punitive damages, or, if the Settlement Agreement is not approved, any subsequent punitive damage award rendered in this class action. The Court has not determined these issues. As a result, an individual who opts-out and excludes himself or herself from this class action may be barred from pursuing his or her own claim for punitive damages and may also be barred from sharing in that portion of the Settlement Agreement described above relating to punitive damages, or, if the Settlement Agreement is not approved, any subsequent punitive damage award rendered in this class action.

If you want to opt-out and exclude yourself from participating in this class action under the restrictions set forth in this section, you must advise the Court by personally filling out, signing and mailing the exclusion form provided at the end of this notice to:

**Menorah Gardens Class Action Opt-Out  
The Garden City Group, Inc.  
P.O. Box 8856  
Melville, NY 11747-8856**

To be valid, the exclusion form must be postmarked no later than July 1, 2004. Any exclusion form postmarked after that date will be invalid. Please note that you must **PERSONALLY** sign the exclusion form if you wish to exclude yourself from this class action. The Court will not recognize forms signed for you by someone else, even by your lawyer or by a family member. Further, the Court will not recognize any exclusion request other than the form provided. In other words, letters, notices or other attempts to request exclusion through means other than the attached form will be invalid and ineffective.

**IF YOU WOULD LIKE TO REMAIN A MEMBER OF THE CLASS,  
YOU DO NOT NEED TO DO ANYTHING  
AND SHOULD NOT FILL OUT OR MAIL THE ATTACHED EXCLUSION FORM**

**VII. FOR MORE INFORMATION**

This Notice is only a summary. The Complaint, Class Certification Order and Settlement Agreement in the case may be inspected on the Menorah Gardens Class Action website ([www.cemeteryclaims.com](http://www.cemeteryclaims.com)) or obtained from the Settlement Administrator, The Garden City Group, Inc., at the address and phone number listed in this Section. **Do not write or telephone the Judge or the Court Clerk's office if you have any questions about this Notice.** If you have any questions, please put them in writing and send them to the following address:

**Menorah Gardens Class Action Inquiries  
The Garden City Group, Inc.  
P.O. Box 8856  
Melville, NY 11747-8856**

In the alternative, you may call The Garden City Group at 1-866-808-3581 or e-mail them at [cemeteryclaimsinquiry@gardencitygroup.com](mailto:cemeteryclaimsinquiry@gardencitygroup.com).

BY ORDER OF THE COURT,

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2004.

\_\_\_\_\_  
J. Leonard Fleet,  
Judge, Circuit Court