

IN THE CIRCUIT COURT OF THE 17<sup>TH</sup>  
JUDICIAL CIRCUIT IN AND FOR  
BROWARD COUNTY, FLORIDA

CASE NO. 01-21376 CA 08

GENERAL JURISDICTION DIVISION

JOAN LIGHT, SHIRLEY EISENBERG  
CAROL PRISCO, and GLORIA ZIMMER

Plaintiffs,

-vs-

SCI FUNERAL SERVICES OF FLORIDA,  
INC., a Florida corporation d/b/a MENORAH  
GARDENS & FUNERAL CHAPELS and  
SERVICE CORPORATION  
INTERNATIONAL, a Texas corporation,  
MENORAH PARTNERSHIP, a  
Florida General Partnership, and SHARON  
GARDENS LIMITED PARTNERSHIP, a  
Florida Limited Partnership,

Defendants.

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**ORDER ESTABLISHING PROCEDURE FOR HEARINGS WITH SPECIAL MASTER  
TO DETERMINE EMOTIONAL DISTRESS DAMAGES OF QUALIFYING CLASS  
MEMBERS**

THIS MATTER came before the Court on October 17, 2005 upon the Court's status conference with Class Counsel, Defendants' Counsel, Examiner's Counsel and other interested parties. During the status conference, the Court determined that the hearings to determine class members' emotional distress damages should be referred to a Special Master for reports and recommendations. The Court has established procedures for the hearings. Accordingly, it is hereby

ORDERED and ADJUDGED as follows:

1. The Examiner shall provide Class Counsel with a list of class members within the appropriate degree of kinship, as previously defined by the Court, who may be entitled to recover emotional distress damages for claims previously recognized by the Court as potentially compensable, as soon as such determinations are made by the Examiner.

2. The Examiner shall provide Class Counsel, Defendants' Counsel and the Court with a list of the first group of such class members as defined in paragraph 1 of this Order on or before December 15, 2005 so that emotional distress compensation hearings with the Special Master may begin in February 2006.

3. Unless agreed to by class counsel and the Special Master, the emotional distress compensation hearings shall be conducted in Broward County, Florida.

4. The first group of emotional distress compensation hearings shall be set from February 6, 2006 through February 9, 2006 and from February 13, 2006 through February 16, 2006.

5. The Examiner shall provide Class Counsel, Defendants' Counsel and the Court with a report outlining the category of the potentially compensable claim for each qualifying class member at least ten (10) days before the date of the emotional distress compensation hearing.

6. Class Counsel, or where applicable, individual class member's personal counsel shall present evidence of the emotional distress damages sustained by each qualifying class member at the emotional distress compensation hearing. Subject to modification by the Special Master, testimony by each qualifying class member should not exceed fifteen (15) minutes. Testimony by supporting witnesses, if any, should not exceed ten (10) minutes. Documentary evidence of emotional distress may also be presented at the discretion of class counsel or, where applicable, class members personal counsel. Depositions, video presentations, telephonic presentations, video conferencing and affidavits are admissible, but shall be limited to the time limitations set forth above. The Rules of Evidence shall not be strictly enforced for these hearings.

7. Class Counsel shall provide the Court and Special Master with a list of claims to be considered by the Court in February 2006 by no later than January 15, 2006. After the initial round of hearings is completed, the Special Master shall coordinate and schedule the emotional

distress compensation hearings for the remaining qualifying class members with Class Counsel at mutually convenient dates and times until all hearings are completed.

8. The Special Master shall hear all eligible class members' claims for emotional distress compensation before allocating any funds to qualifying class members.

9. Once all of the funds are allocated in the Special Master's report and recommendations to the Court, Class Counsel shall have thirty (30) days to seek approval by the Court, or request a review, of the Special Master's suggested allocations to one or more of the qualifying class members.

10. The Special Master shall make his report and recommendations for the award of emotional distress damages to qualifying class members based on the Court's ruling in the order on Determination of Emotional Distress Claims Compensable by Monetary Damages and Which Claimants May Recover the Monetary Damages.

DONE and ORDERED in Chambers at Fort Lauderdale, Broward County, Florida on  
\_\_\_\_\_, 2005.

J. LEONARD FLEET

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J. Leonard Fleet,  
Circuit Court Judge

OCT 20 2005

A TRUE COPY

Copies Furnished to: all counsel of record