

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,

**MOTION TO REQUIRE**  
**DEFENDANTS TO PAY FOR**  
**EXPENSE OF NOTICE TO CLASS**

Defendants.

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Class counsel, pursuant to the Class Action Settlement Agreement, file their Motion to Require Defendants to Pay for the Expense of Notice to the Class. As grounds, Class counsel state as follows:

1. Pursuant to Section 2.1 of the Class Action Settlement Agreement, the Parties agreed to establish appropriate class notice of the proposed settlement agreement in conjunction with the procedures required by the State of Florida Attorney General's settlement agreement with the Defendants.
2. Pursuant to Section 2.2 of the Class Action Settlement Agreement, the Parties agreed that if funds from the Attorney General's settlement were not available for the expense of

publishing and distributing the Notice to the Class, Judge J. Leonard Fleet would determine who would bear the expense of class notice.

3. The Defendants should be required to pay for the Notice to the Class in this case if the Attorney General's Office does not pay for the notice.
4. The Defendants acts and omissions caused the need for this case; accordingly, Defendants should bear the expense of its proper resolution including the cost of notice to the class.
5. Moreover, the Defendants are better able to afford the expense of notice.
6. The Class members should not be made to bear this expense from the amount intended to compensate them for the damages they sustained.

WHEREFORE, Class counsel requests that the Court enter an order requiring Defendants to pay for the expense of Notice to the Class unless the Attorney General's office accepts responsibility for the payment of the notice.

#### CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of Plaintiffs' Memorandum in opposition to putative class member's renewed motion to intervene was sent via U.S. Mail and facsimile this 17<sup>th</sup> day of September, 2004, to: BARRY DAVIDSON, ESQUIRE, HUNTON AND WILLIAMS, Attorney for Defendants, Barclays Financial Center, Suite 2500, 1111 Brickell Avenue, Miami, Florida 33131; DENNIS O'HARA, ESQUIRE, WICKER, SMITH, O'HARA, McCOY, GRAHAM & FORD, P.A., Co-Counsel for Defendant, SCI Funeral Services of Florida, SouthTrust Tower, Suite 500, One East Broward Boulevard, Ft. Lauderdale, Florida 33302; THEODORE J. LEOPOLD, ESQ., RICCI LEOPOLD, 2925 PGA Blvd., Ste. 200, Palm Beach Gardens, FL 33410; GARY M. FARMER, JR., ESQ., FREEDLAND GLASSMAN FARMER & SHELLER, 2665 Executive Park Dr., Ste. 3, Weston, FL 33331; STEPHEN M. COHEN, ESQ., 1615 Forum Place Ste. 500, West Palm Beach, FL 33401;

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By: 

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