
All Funeral Homes Reach Settlements In Tri-State Crematory Case

Wednesday, 10 March 2004

Trial Recessed Until Thursday To Allow Attorneys To Regroup

March 10, 2004

All funeral homes sued by family members whose loved ones were taken to the Tri-State Crematory have now reached settlement, it was announced Wednesday morning.

Federal Judge Harold Murphy of Rome, Ga., told a jury that the only remaining defendants in the current trial are crematory operator Brent Marsh and the estate of crematory founder Ray Marsh.

The trial is due to resume on Thursday at 9:30 a.m.

The trial began last Friday with five funeral home defendants along with the Marshes.

On Tuesday afternoon, it was announced that Turner Funeral Home and Family Mortuary of Chattanooga, as well as the defunct House of Overstreet of Dalton, Ga., had reached settlements.

Judge Murphy told the jury at 10:25 a.m. Wednesday that the two remaining funeral homes had also "resolved their cases with the plaintiffs." Those are Wann Funeral Home and Covenant Funeral Home, both of Chattanooga.

Prior to the start of the trial, over 30 funeral homes had reached settlements, agreeing to pay family members over \$20 million. The settlements included one-third going for expenses and lawyers. Settlements included over \$8 million from Buckner-Rush of Cleveland and \$4.1 million from Franklin-Strickland of Chattanooga, where LaShea Marsh, sister of Brent Marsh, was employed.

Judge Murphy told the jury the attorneys would need to regroup and reassess their cases since the funeral homes are now out. He said some witnesses would not need to be called and some evidence that had been planned would not be presented.

He said it should considerably shorten the trial, which had been expected to last 3-5 weeks.

Brent Marsh had been expected to take the witness stand on Wednesday, but his attorney earlier said he would invoke the Fifth Amendment on numerous questions because of his upcoming criminal trial.

The jury at Rome is to determine liability only. A later jury would assess damages if any.

Brent Marsh still faces 787 felony criminal courts. A trial date has not been set.

There were 334 uncremated bodies found at the crematory at Noble, Ga. in mid-February 2002.

In opening statements, attorneys for the funeral homes pointed the blame toward Brent Marsh, saying they had been deceived by him as had the families.

Judge Murphy earlier ruled that the crematory operation was an "independent contractor" as far as the dealings it had with the funeral homes.

http://www.chattanooga.com/articles/article_47831.asp