

Dead Wrong

By Reg P. Wydeven
September 13, 2015

A few years ago, one of my buddies at work lost his father. His family went to the funeral parlor in his hometown to make the arrangements. My friend's job was to bring his father's suit back the next day so the funeral director could dress him for the funeral.

When he arrived with the suit, the parlor was busy with two other families planning funerals. The receptionist just told my friend to leave the suit on the coatrack. He hung it on the rack under a shelf that held a green trucker-style mesh baseball cap that read 'I'd Rather Be Fishing.' My pal left, chuckling to himself about other families' funeral fashion choices.

When my friend's family arrived at the parlor the next day, they had a private viewing with his father prior to the funeral. When they went into the back room, his father was lying in the casket looking very nice in his suit...and the green trucker hat.

His mother was justifiably mortified, and the funeral home apologized profusely. With all the confusion, it was completely understandable how such a mistake could have occurred. After things calmed down, the funeral went very well.

Not all families are so lucky, however.

Like my buddy, the family of Nivina Cargill went to Edwards Funeral Home in Columbus, Ohio, on July 1 to make the final arrangements for her funeral the next day. Cargill was only 52 and passed away from a heart attack.

Unfortunately, Cargill's family also noticed the funeral home made an error. While the home had the right clothes, they were on the wrong person. Distraught, the family complained to Monique Smoot, the funeral service director, that they had the wrong body. Instead of apologizing for the error, Smoot tried to persuade the family that the corpse in the casket was Cargill's. She only owned up to the mistake after checking the name tag on the corpse.

According to the Columbus Dispatch, Pamela Merritt, Cargill's sister, said the family waited for five hours while the staff looked for her body and eventually prepared it. Cargill's clothing was allegedly ruined by trying to put it on the wrong body and her makeup was applied in a sloppy and haphazard manner.

As a result of the debacle, Cargill's family sued Smoot Funeral Services, which operates the funeral home, and Monique Smoot. Filed in Franklin County Common Pleas Court, the suit seeks more than \$25,000 in both compensatory and punitive damages. But more importantly, Merritt asserts that the family's "whole concern is, we don't want this to happen to another family."

According to the lawsuit, family members have "lost sleep and suffered nightmares as a result of the defendants' conduct." In addition, the court filings read that as a result of the funeral home's "negligent, reckless, wanton, willful and/or intentional conduct," the family will continue to suffer "serious and irreparable emotional and psychological distress," according to the lawsuit.

Presumably the funeral home will want to settle out of court.

While I couldn't begin to imagine Cargill's family's shock and dismay, after thinking about it, I might not be that upset if it was me. Now if they mistook my body with Steve Buscemi, I would be enraged. But if they swapped me out with Brad Pitt, I must say that I would probably be cool with it.

This article originally appeared in the Appleton Post-Crescent newspaper and is reprinted with the permission of Gannett Co., Inc. © 2015 McCarty Law LLP. All rights reserved.