

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, CHANCERY DIVISION

ROSHANDA WASHINGTON JONES,)
 individually and for all Plaintiffs similarly)
 situated, JEREMY WASHINGTON,)
 JARVIS L. WASHINGTON, RENIA)
 WASHINGTON, and CHEQUITA)
 BYRD-DAVIS,)

Case No.

Plaintiffs,

-vs-

BURR OAK CEMETERY, PERPETUA-BURR)
 OAK HOLDINGS OF ILLINOIS, L.L.C., an)
 Illinois Corporation, PERPETUA HOLDINGS)
 OF ILLINOIS, INC., an Illinois Corporation,)
 PERPETUA, L.L.C., an Arizona Corporation,)
 CAROLYN TOWNS, KEITH NICKS,)
 TERRENCE NICKS, MAURICE DAILEY,)
 and MELVIN Z. BRYANT,)

Defendants.

09CH22800

**VERIFIED COMPLAINT FOR PRELIMINARY AND PERMANENT
 INJUNCTION AND FOR DAMAGES AND OTHER RELIEF**

Plaintiffs, ROSHANDA WASHINGTON JONES, individually and for all Plaintiffs
 similarly situated, JEREMY WASHINGTON, JARVIS L. WASHINGTON, RENIA
 WASHINGTON, and CHEQUITA BYRD-DAVIS, through their attorneys, BAUMANN &
 SHULDINER, complains against Defendants, BURR OAK CEMETERY, PERPETUA-BURR
 OAK HOLDINGS OF ILLINOIS, L.L.C., an Illinois Corporation, PERPETUA HOLDINGS OF
 ILLINOIS, INC., an Illinois Corporation, PERPETUA, L.L.C., an Arizona Corporation,
 CAROLYN TOWNS, KEITH NICKS, TERRENCE NICKS, MAURICE DAILEY, and
 MELVIN Z. BRYANT, and each of them, as follows:

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 CIRCUIT COURT OF COOK COUNTY ILLINOIS
 DEPARTMENT OF CLERK

1. Plaintiffs, ROSHANDA WASHINGTON JONES, JEREMY WASHINGTON, JARVIS L. WASHINGTON, and RENIA WASHINGTON, are the bereaved relatives of James Washington, Sr., Sonia Lavette Washington, Mary Jane Haney. Plaintiff, CHEQUITA BYRD-DAVIS, is the bereaved relative of India Scott Davis, deceased.

2. Each of the aforementioned deceased, James Washington, Sr., Sonia Lavette Washington, Mary Jane Haney, and India Scott Davis were interred at BURR OAK CEMETERY in Alsip, Illinois.

3. Upon information and belief, BURR OAK CEMETERY is owned by PERPETUA-BURR OAK HOLDINGS OF ILLINOIS, L.L.C., and/or PERPETUA HOLDINGS OF ILLINOIS, INC., both Illinois Corporations. PERPETUA, L.L.C., an Arizona Corporation, is believed to be the holding or parent company of PERPETUA-BURR OAK HOLDINGS OF ILLINOIS, L.L.C., and/or PERPETUA HOLDINGS OF ILLINOIS, INC. MELVIN Z. BRYANT, a resident of Texas, is the president of PERPETUA HOLDINGS OF ILLINOIS, INC.

4. CAROLYN TOWNS, KEITH NICKS, TERRENCE NICKS, and MAURICE DAILEY, and each of them, are employees and/or agents of PERPETUA, L.L.C., BURR OAK CEMETERY, PERPETUA-BURR OAK HOLDINGS OF ILLINOIS, L.L.C., and/or PERPETUA HOLDINGS OF ILLINOIS, INC.

5. While acting within the course and scope of their employment with PERPETUA, L.L.C., BURR OAK CEMETERY, PERPETUA-BURR OAK HOLDINGS OF ILLINOIS, L.L.C., and/or PERPETUA HOLDINGS OF ILLINOIS, INC., Defendants, CAROLYN TOWNS, KEITH NICKS, TERRENCE NICKS, and MAURICE DAILEY, willfully and knowingly engaged in a scheme to disinter bodies without court order or relatives' permission, in

order to make room for new bodies so that new grave site fees could be charged. In perpetuating this scheme, bodies of deceased humans were damaged or destroyed, bodies of deceased humans were removed from grave sites, and burial sites were vandalized and desecrated.

6. The acts of said Defendants violated the Cemetery Protection Act, specifically, 765 ILCS 835/1(a) which prohibits the willful and knowing destruction and damage of the remains of a deceased human being, (a-5) which prohibits the willful and knowing removal of any portion of the remains of a deceased human being, and 765 ILCS 835/1(b)(1) which prohibits the willful and knowing obliteration or desecration of a burial ground where remains are buried, or a grave, crypt, vault, mausoleum , or other repository of human remains.

7. Upon information and belief, the bodies disinterred at BURR OAK CEMETERY have not yet been identified, although they are reported to number in the hundreds. Plaintiffs, and each of them, fear that their loved ones, who were buried between 1997 and 2004, were among those disinterred by the Defendants.

8. Upon information and belief, neither the Defendants nor anyone else, including the Cook County Sheriff's Police, will be able to identify the bodies for several months.

COUNT I – PRELIMINARY AND PERMANENT INJUNCTION

9. Plaintiffs incorporate paragraphs 1-8 in this Count I.

10. The Plaintiffs have a strong legal and moral interest in the integrity of the remains of their deceased relatives.

11. Plaintiffs have no adequate remedy at law to protect this interest which includes the identification, preservation, and re-interment of the bodily remains.

12. The balance of equities is clearly in favor of identifying, preserving, and restoring

the bodily remains to their original locations.

13. Plaintiffs and/or all other interested persons have a reasonable likelihood of prevailing on the merits of their claims.

14. Strong public policy concerns, including health and welfare, religious freedom, and public order, militate prompt and efficacious identification, preservation, and restoration of the remains to their proper location.

WHEREFORE, Plaintiffs, and each of them, pray for a preliminary and permanent injunction enjoining and restraining Defendants, their agents, employees, successors, attorneys, and others acting in concert with it or under its control or direction, as follows:

- a. For the Defendants, and each of them, to maintain all records relating to the burial and exhumation of the remains;
- b. For the Defendants to promptly notify the relatives of those persons whose bodies were disinterred and to permit them to participate in all decisions relating to the remains of their respective loved ones;
- c. For the Defendants to restore the disinterred remains to their proper location, or to such other location as may be appropriate;
- d. For the Court to appoint a receiver to manage all affairs relating to the identification, preservation and restoration of the bodily remains;
- e. For an award of costs and attorneys' fees for the necessity of requesting court intervention; and
- f. For any further and other relief deemed just.

COUNT II – CLASS ACTION

15. Plaintiffs incorporate paragraphs 1-8 in this Count II.
16. Over two hundred bodies were reportedly affected by the misfeasance of the employees of the corporation.
17. Joinder is impractical because of the great number of persons affected by the acts of the Defendants and because of the poor and/or fraudulent record-keeping of the responsible corporations, its agents and employees.
18. Individual filings of complaints would constitute a great burden on the court system.
19. The class is identifiable as:
all relatives, either primary descendants, parents, or collateral relatives, if primary descendants or parents are not available, who buried deceased at BURR OAK CEMETERY in Alsip, Illinois.
20. Each of the named Plaintiffs herein fall within the class definition and will fairly and adequately protect the interests of the class.
21. Class counsel, Paul Shuldiner, has experience in class actions, has tried one hundred (100) jury trials and is well and able to represent the Plaintiffs.
22. There are common questions of law or fact which predominate over any questions concerning individual members of the class.
23. The class action is an appropriate method for the fair and efficient adjudication of this controversy.

WHEREFORE, Plaintiffs ask this Court certify a class in this matter pursuant to 735

ILCS 5/2-801, appoint Roshanda Washington Jones, or such other Plaintiff as this Court deems appropriate, to represent the class, or enter such further relief as this Court deems just.

COUNT III - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

24. Plaintiffs incorporate paragraphs 1-8 in this Count III.

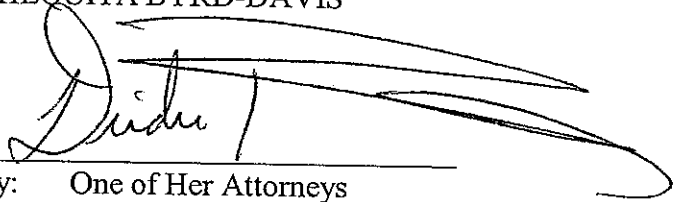
25. The intended acts of removing bodies that were buried, casually disposing of the bodies, for the motive of charging twice for the same burial plot offends the sensibilities of all peoples and is contrary to firmly held religious and moral beliefs. In a civilized society, these acts are supremely outrageous.

26. The knowledge of this desecration creates great distress to the relatives such that no reasonable human being should be expected to bear it.

27. These acts directly and proximately caused great fear, doubt, physical symptoms, grief, and emotional distress.

WHEREFORE, Plaintiffs, and each of them, respectfully request an award of damages in excess of \$30,000, costs and such further relief as this Court deems just..

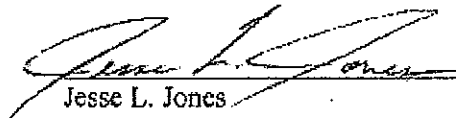
Respectfully submitted,
ROSHANDA WASHINGTON JONES,
individually and for all Plaintiffs similarly situated,
JEREMY WASHINGTON, JARVIS L.
WASHINGTON, RENIA WASHINGTON, and
CHEQUITA BYRD-DAVIS


By: One of Her Attorneys

Deidre Baumann, #30543
Baumann & Shuldiner
20 S. Clark Street, Suite 500
Chicago, IL 60603

Verification by Certification

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in the attached Verified Complaint for Preliminary and Permanent Injunction and for Damages and Other Relief are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.


Jesse L. Jones

Dated: July 10, 2009