

Business

By Emily Ann Albrecht

Every Family's

Worst Nightmare

Most 25 year olds are not worried about planning their own funerals, but Julie Mott was different and running out of time. After a lifelong battle with cystic fibrosis and being denied a much needed lung transplant, in January 2015 Mott learned that she was going to die – and soon, which got her thinking about what was going to happen to the body she would be leaving behind.

In the months that followed, Mott came up with a plan. She definitely did not want to be buried – or put in a casket at all, for that matter. Instead, she asked family for her remains to be cremated and communicated meticulously planned instructions for how her cremated remains were to be divided: part buried alongside a favorite horse, some to be kept by her parents and the rest scattered.

Mott died Aug. 8, 2015, of complications from cystic fibrosis. The following day, her father made arrangements with a family friend's

funeral home for embalming, an open casket memorial service and subsequent cremation of his daughter's remains. A week later, on what would have been Mott's 26th birthday, the memorial service took place Aug. 15 without issue. At roughly 1:30 p.m., everyone left the chapel with the exception of Mott's ex-boyfriend, from whom she had been separated for two years at the time of her death.

According to court documents, the ex-boyfriend lingered and remained in the chapel for an extra 10 to 15 minutes after everyone else had left

before being seen out by a funeral home employee who claimed to have locked the door behind him. Mott's casket was then relocated to a hallway while awaiting transfer to the crematory at another location. Funeral home staff left around 4:30 p.m. after locking up and activating the building's alarm system.

The next morning, Mott's casket was found empty, with a damaged hinge, and the bier on which it was resting was found in a peculiar position near an exit door. According to the police report, there were no signs of forced entry and the

building's security system was never triggered, leading investigators to believe that Mott's body was stolen sometime between 1:30 p.m. when the memorial service concluded and 4:30 p.m. when funeral home staff locked up and left for the evening. The funeral home did not have security cameras at the time.

Police immediately launched an investigation into the seemingly inexplicable disappearance, and the ex-boyfriend quickly became a person of interest in the case. The police report describes someone "who had been obsessed with calling and texting" Mott and states that the suspect "had been invited to the service the day before and had been the last to leave."

The funeral home owner, who had previously employed Mott's father as a pilot for his personal aircraft and at one time had even rented a home to the Mott family, offered a \$20,000 reward for information leading to the arrest of the person or people who took Mott's remains. He also led a search party and at one point discovered a decomposed body in a nearby park, but it did not turn out to be that of Mott.

In January 2016, Mott's family filed a lawsuit against the independently-owned funeral home for allegations of negligent conduct and gross negligence in connection with the disappearance of Mott's body. The trial began in January 2018. The Motts accused the funeral home of hiding the fact that it uses third-party contractors that had unlimited access to its facilities and that its security codes and locks were outdated and had not been changed in years. Their counsel argued that the funeral home had no chain-of-command records, did not properly train its employees and, unbeknownst to the Mott family, used a third-party contractor for embalming purposes despite its motto: "When you trust your loved ones to us, they never leave our care, custody or control."

The funeral home denied all wrongdoing, maintained that there was indeed a theft (as evidenced by the fact that police investigated it that way and the officer wrote it in his report) and ultimately accused Mott's ex-boyfriend of stealing her body. Counsel for the funeral home argued that the Motts failed to divulge that the ex-boyfriend was obsessed with calling and texting Mott and that he had motive to steal the body because he did not want her cremated based on his personal beliefs against the practice. They also showed the jury a copy of the funeral services contract signed by the Motts, which clearly stated that another company would do the embalming.

That a third-party contractor and its employees had "unfettered" access to the funeral home could be to blame for the missing remains. In fact, the third-party mortuary service at issue was also sued by two other families for mixing up bodies in the months before Mott's disappearance. As if things were not bizarre enough already, during trial, the jury even heard allegations of Satanism from the Mott's attorney about an

employee of the third-party mortuary service that had embalmed Mott for the funeral home. The employee in question, however, testified that he did not pick up Mott and never had contact with her body while at their facilities. He acknowledged that satanic or demonic images appear on his band's Facebook page but explained that it is "just about the music."

Jurors also heard testimony about how embalming takes place, and at one point, a casket was rolled into the courtroom so they could see how bodies are removed properly – i.e. through a trap door that lowers at the foot, rather from the top – as the attorneys wanted to show the jury that whoever took Mott broke the hinge on the casket because they removed the body incorrectly from the top.

At the conclusion of a lengthy, nearly three-week-long trial, attorneys for the Motts asked the jury to award the plaintiffs \$10 million for the defendant funeral home's gross negligence in failing to prevent the disappearance of their daughter's remains. After three hours

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of deliberations, on Feb. 13, 2018, the jury found that the funeral home was negligent – but not grossly negligent – and awarded each of Mott's parents \$2.5 million for "mental anguish sustained in the past," plus an additional \$1.5 million to each of them for "mental anguish that, in reasonable probability, will be sustained in the future" – a grand total of \$8 million in damages.

The funeral home has filed an appeal.

Although considered a person of interest in the case, Mott's ex-boyfriend has never been charged in connection with her body's disappearance. He was, however, issued a criminal trespass warning in September 2015 for repeatedly harassing funeral home employees, even calling over 200 times in one day. The funeral home installed security cameras, and in June 2016, provided police with surveillance video showing the ex-

boyfriend attempting to enter the funeral home on two different occasions that month, despite being banned from the premises and the criminal trespass warning issued in the weeks after Mott's body disappeared. In the footage, Mott's ex-boyfriend can be seen driving around the facility, looking in windows, shaking door handles and staring straight into monitoring cameras. He was arrested Feb. 10, 2017, on two charges of criminal trespassing, and then ordered to wear a GPS monitor less than a month later after prosecutors said he violated a no-contact order by showing up yet again at the funeral home. After pleading guilty to one of the criminal trespassing charges in March 2018, he was sentenced to two days in jail and faced a possible \$100 fine.

To this day, Mott's body has not been found and the question of how it disappeared remains unanswered.

Working backward, what lessons can be learned from all of this?

The importance of educating yourself about the underlying facts of a mortuary litigation case, especially one as scandalous and highly publicized as this, simply cannot be stressed enough. Take full advantage of the invaluable opportunity to learn from others' mistakes by carefully reviewing the details surrounding these very real circumstances and figuring out if, when and how this \$8 million verdict could have been prevented. Then take the time to walk through your own protocol for handling the situation at its various stages to identify vulnerabilities in policies and procedures that could potentially land you in this funeral home's shoes. Because at the end of the day, the biggest – and most expensive – mistake that can be made is thinking it could never happen to you. •

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