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## Family sues funeral home for failing to care for body 'Strong odor' noted by those at May 26 funeral service

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Tate Funeral Service

Ten days after authorities removed 11 bodies from the home of one of the deceased, family members filed a lawsuit against Tate Funeral Service, LLC, and funeral director Robert O. Tate. Michelle Day Gaston, the widow of Thomas Fred Gaston, filed the lawsuit on behalf of her three daughters, Tanya Lewis, Tanisha Jones, and Tanya Jones. The lawsuit was filed in Lucas County Common Pleas Court. They allege that Tate Funeral Service and Mr. Tate failed to adequately refrigerate the remains of at least one of the deceased.

being that of Thomas Fred Gaston.”

Mr. Gaston, 55, of Toledo died at home May 17. Tate Funeral Service transported his remains to the funeral home on Lagrange St., but when his funeral service was conducted May 26, “family members ... noticed the body was bloated and that a strong odor surrounded the casket,” the complaint alleges.

Authorities notified Mrs. Gaston on May 30 that her husband’s body was discovered on the premises and that it had to have been cremated.

“It is a shock to the conscience of the community to treat the body of a deceased individual with such a lack of care and respect,” attorney Charles E. Boyk, who filed the complaint, said in a news release. “The lawsuit will provide the opportunity to get complete answers and hold Mr. Tate under oath. The lawsuit will provide the opportunity to get complete answers at the funeral home.”

The lawsuit, which has been assigned to Judge James Bates, seeks in excess of \$25,000 for intangible emotional distress, as well as punitive damages in excess of \$25,000, and attorney fees.

Last week, the Ohio Board of Embalmers and Funeral Directors voted unanimously to suspend Robert O. Tate and Mr. Tate.

At the hearing, the board's executive director, Vanessa Niekamp, confirmed that Mr. Gaston had describe that there was "minimal external mold" on the bridge of his nose when the body was

*Columbus bureau chief Jim Provance contributed to this report.*

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