Lawsuit filed over bodies found in Ohio funeral home

By JOHN SEEWER | Posted: Monday, June 8, 2015 5:57 pm

TOLEDO, Ohio (AP) — A family filed a lawsuit Monday against a funeral home owner after the discovery of 11 bodies intended for cremation, some in a state of decay in a damp garage.

The wife of a 55-year-old man who died in May accused the funeral home owner of mistreating the body by failing to have it embalmed or properly refrigerated as required by state law.

The man's family said that that they noticed during the funeral on May 26 for Thomas Gaston that his body looked bloated and there was a strong odor near the casket.

Ohio's funeral directors board last week suspended the licenses for both Tate Funeral Services in Toledo and its director, Robert Tate Jr., saying that he had treated 10 bodies in a way that would outrage reasonable family and community sensibilities.

Police helped the county coroner's office remove the bodies of 10 adults and a premature infant from the funeral home on May 29. Most of the bodies were stored in cremation boxes and body bags, and at least one had been there since January, officials said.

A statement from the funeral home said it provided embalming in accordance with state law. Its attorney said any delay in cremation resulted from physicians failing to provide death certificates in a timely manner.

A message seeking comment on the lawsuit was left for the funeral home's attorney on Friday.

The lawsuit says that Michelle Gaston and her daughters have suffered emotional distress, humiliation and anguish since finding out the body may have been mistreated. They are seeking monetary damages.

A state inspector said in a report filed by the funeral directors board that he went to funeral home after receiving a complaint from a relative who said the cremation of her uncle's body was taking too long.

The inspector said he found several human remains in cremation containers and body bags inside a garage with a leaking roof and wet floor.