

Riverview Cemetery case delayed until fall

By **TERRI SANGINITI**
Staff reporter

Some testimony was taken Monday in the state's consumer-fraud case against Riverview Cemetery, but the remainder of the evidence won't be heard until fall.

The cemetery corporation being sued was a no-show.

But Chancery Court Judge William B. Chandler rejected the state's request to hold the cemetery owners liable by default.

Instead, Chandler allowed initial testimony and then postponed the remainder of the trial until fall.

"Even though one party is ignoring the process, the judge is giving them the benefit of the doubt to let the matter be decided on all its merits," Deputy Attorney General Olha Rybakoff said after the hearing.

Riverview Cemetery Corp. attorney Stephen W. Spence could not be reached.

For earlier articles on Riverview Cemetery, go to

www.delawareonline.com



The state sued the 129-year-old nonprofit cemetery at 3300 N. Market St. in Wilmington on Jan. 31, asking the court to make them pay restitution to defrauded customers, give a full accounting of cemetery records and make extensive efforts to locate misplaced graves.

The cemetery owners are identified as the Independent Order of Odd Fellows Lodges No. 1 and No. 34, the parent Odd Fellows Grand Lodge of Delaware, the Knights of Pythias Grand Lodge of Pennsylvania and the Riverview Cemetery Corp., which ran daily operations.

Since July 1999, the state Attorney General's Office consumer-fraud unit has received

85 complaints about the cemetery.

In early June, the cemetery filed for bankruptcy. The phone since has been disconnected and burials are being arranged directly through funeral directors.

"One of the issues in this case is that there was a perpetual-care fund that wasn't supposed to be spent down," Rybakoff said. "What makes it interesting is that the Odd Fellows organization that was running the cemetery does have the money."

Rybakoff said it was the fraternal stockholders' responsibility to do what was necessary to make Riverview a decent cemetery for the community.

Five witnesses took the stand during Monday's four-hour civil hearing and complained about a litany of problems at the cemetery, a neighborhood eyesore.

They included overgrown weeds, toppled tombstones, lost and misplaced bodies, broken

and rusted fences, mounds of fresh dirt on decades-old graves and piles of trash dumped atop the graves of babies.

"Where is the sensitivity?" cemetery activist Grace Duffy asked. "Money can't buy that."

Attorney Robert Leoni, who represents Knights of Pythias, and Dennis Phifer, counsel for Odd Fellows Lodges No. 1 and No. 34, told the court they had gotten involved in the con-

sumer-fraud case only within the past week.

Both said they needed additional time to develop their case.

The parties ended Monday's court hearing by agreeing to confer with the judge today to try to mediate the expedited proceedings.

A trial date has not been scheduled.

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