

Widow files lawsuit over lost remains

Owners of Riverview Cemetery, funeral home named by Jackie Allen

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WILMINGTON

A woman whose husband's remains were lost among the 36,000 graves at Riverview Cemetery in Wilmington filed a lawsuit Monday against the cemetery's owners and a funeral home.

Jackie Allen, whose husband Melvin Allen was buried at the cemetery in November 1998, alleges that House of Wright Mortuary and the cemetery's owners "interfered with the right to burial, and abused the corpse" of her 57-year-old husband.

The lawsuit claims the cemetery and funeral home were negligent for not properly interring Allen's remains, or keeping accurate records of where he is buried.

"At the very least, they just

lost or misplaced the body of Melvin Allen," said Lois J. Dawson, attorney for Jackie Allen.

The 33-page lawsuit, filed Monday in Superior Court in Wilmington, asks for compensatory damages of less than \$100,000 for emotional distress suffered by Jackie Allen.

The lawsuit also names as defendants funeral director Robert O. Wright; former cemetery executive director Walt Mateja; and fraternal lodges Eden Lodge 34 and Delaware Lodge 1, Independent Order of Odd Fellows; the Independent Order of Odd Fellows Grand Lodge of Delaware, and the Grand Lodge of the Knights of Pythias of Pennsylvania.

"She doesn't want the money," Dawson said. "Jackie doesn't care what it takes. She just wants to find Melvin. But obviously, we can't ask for Melvin's remains to be located."

Wright and Mateja would not comment.

The 129-year-old nonprofit cemetery at 33rd and North Market streets is owned by the Independent Order of Odd Fellows Lodges 1 and 34, and the Knights of Pythias Grand Lodge of Pennsylvania. It recently filed for bankruptcy and is the subject of a state Attorney General's Office lawsuit alleging consumer fraud.

Allen first discovered the cemetery did not know where it had buried her husband when the marker she ordered for his grave arrived several months after he was buried.

Several attempts to find Melvin Allen's grave have since been made by the cemetery and investigators hired by the two local Independent Order of Odd

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Fellows lodges.

At least 12 graves were unearthed in an initial search.

A disinterment in March turned up a rusted white casket floating in water in a grave investigators pinpointed as Allen's through records. Allen was buried in a bronze-coated casket with his name engraved below hands clasped in prayer.

The remains in the white casket have not yet been identified.

The cemetery has yet to dig where Allen's widow and her stepfather remember Melvin Allen being buried, Dawson said.

The lawsuit charges funeral director Robert O. Wright, who arranged Allen's \$8,028 funeral, was negligent for not producing any "written document stating

the whereabouts of the decedent."

Dawson said Monday she did not know if the bankruptcy filing would keep Allen's lawsuit from moving forward.

The cemetery also faces trial July 23 in Chancery Court on the consumer-fraud charges. That lawsuit followed the state's investigation into numerous complaints about the maintenance and service at the cemetery.

Dawson said if Melvin Allen's remains are not recovered through the state's pending prosecution, Jackie Allen will have to ask for more than \$100,000 to cover the cost of exhuming an additional number of graves to find her husband.

"We waited until the last moment to file this in hopes that Melvin would be found and this lawsuit would not be necessary," Dawson said. "We all feel this is unfortunate."

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