

4.6: Breach of Contract Example

Breach of Contract

Read this article to learn more about an actual breach of contract.

A funeral home buried a stranger instead of their dad. Now, they're suing.

Byline: Jonathan Edwards

Stacy Holzman wanted to inspect her father's body an hour before his March 2 funeral on Long Island, just to confirm he was wearing the clothes he'd specified -- his favorite Led Zeppelin T-shirt, black jeans and no shoes.

Holzman had a funeral employee drive the hearse into the parking lot, pull out the casket and open it. Inside, she saw the Led Zeppelin shirt and the black jeans. She looked and saw bare feet, just like her father wanted.

But the man wearing the clothes wasn't her father but a stranger. The funeral home employee, however, allegedly insisted that the body belonged to Holzman's father. And so they buried another man in her father's grave.

On Wednesday, Holzman and her sister, Megan Zaner, sued the Star of David Memorial Chapels and Fletcher Funeral & Cremation Service, accusing the companies of gross negligence and breach of contract. In the 19-page suit filed in the New York Supreme Court of Suffolk County, Holzman and Zaner allege that Fletcher Funeral & Cremation Service transported the wrong body from South Carolina, where their father died, to Long Island, where Star of David Memorial Chapels was supposed to bury him in a Zaner family plot.

Fletcher Funeral & Cremation Service did not respond Thursday to a request for comment. In a statement to The Washington Post, Star of David said Zaner's family had confirmed his identity in New York, allowing the burial to proceed.

Holzman denied that. She said she was stunned by the strange-looking man in her father's clothes and assumed the funeral home employees knew what they were doing, especially after the one who opened the casket allegedly explained that some of the changes in appearance were normal and proceeded with the burial at Mount Ararat Cemetery in Lindenhurst, N.Y.

In the statement, Star of David described what happened as "the mistake made by the funeral home in South Carolina." Still, Star of David said that it's reviewing its procedures and "will make any recommended changes to ensure the correct identification of family members."

"We are committed to continuing to provide the highest level of compassion and care to families who have entrusted us with their loved ones," according to the statement.

Clifford Zaner died on Feb. 25 of respiratory and congestive heart failure, Holzman said. His death was not a shock. He'd had multiple heart attacks and lived with Holzman and her son for a year. At the end of January or early February, he got pneumonia and "his heart just couldn't keep up." He was 72.

Holzman hired Star of David to prepare her father's body and bury it in accordance with Jewish custom, she said. The company then contracted with Fletcher, a funeral home with a location in Fountain Inn, S.C., to transport the body to Long Island, the lawsuit states.

On March 1, Holzman and her 12-year-old son flew from Greenville, S.C., to New York. The next day, they drove to the cemetery, where Holzman said she signed some paperwork and paid Star of David some \$12,000 for its services. Then, she asked to see her father's body.

"As the oldest child, it was my responsibility just to peek in and make sure that everything was in order," she told The Post.

When the funeral home employee opened the casket, Holzman saw a man who was clean shaven and had stitches across his forehead, indicating that an autopsy had been performed. Holzman was confused. Her father had always had a mustache and she'd been clear that, in keeping with Jewish custom, her father's body wasn't to be touched.

The employee told her that Star of David routinely shaved facial hair of the bodies that came to them and that an autopsy was also standard when someone died at a hospital, Holzman said.

The employee went inside, saying she had to make some phone calls, Holzman said. About 15 minutes later, the employee re-emerged and allegedly said something like "let's go" before driving to the gravesite, which Holzman took as confirmation that

everything was copacetic.

Reluctantly, Holzman was convinced that the man was their father, and they buried him.

About a week-and-a-half later, an employee from Star of David called Holzman while she was out at dinner, she told The Post. He allegedly told Holzman that Fletcher had called to tell them that the man they'd buried wasn't Zaner. His body was still in South Carolina, according to the lawsuit. It had never moved. The next day, Fletcher called Holzman directly to deliver the news "and was very apologetic and said that they made a mistake," she said.

Holzman went to Fletcher to see her father's body. This time, it looked like him -- the facial hair, no mark across his forehead, which was "a bit comforting."

But the gravity of the situation soon occurred to Holzman. A stranger was in the Zaner family plot, in the grave reserved for her father so that he could be buried next to his parents and grandparents, she said. Holzman learned it was not an easy fix, that exhuming the body of the stranger would be "a big deal" and require a court order.

Holzman's lawsuit doesn't provide any information about the man who was buried in her father's plot or what might happen to his body.

After consulting with relatives and myriad rabbis from across the country, they decided to start a new family plot in Jacksonville, Fla., where some of Holzman's relatives live, she said. She arranged to have his body moved on March 22 and two days later "had to endure a second funeral with the proper corpse of their father," her lawsuit states.

Three rabbis were there to oversee the burial, she said. Her son, who'd become close with his grandfather over the year they'd lived together, once again picked up a shovel and, as is Jewish custom, helped fill the grave "until every trace of dirt that was there was taken care of," Holzman told The Post.

"It was gut-wrenching," she added.

Holzman still has family members at Mount Ararat Cemetery. Her great-grandmother died about a month before her dad and was buried in the Zaner family plot. In the coming months, Holzman is supposed to go to her gravesite for an unveiling, a custom in Judaism in which family gathers around a loved one's grave six months to a year after their death to unveil their headstone or, in this case, her footstone.

Holzman said she's dreading it.

"We don't know how we're going to go to New York and go to the cemetery and stand there -- the grave where my dad's supposed to be and isn't."

Copyright: COPYRIGHT 2023 The Washington Post

Source Citation

"A Funeral Home Buried a Stranger Instead of Their Dad. Now, They're Suing." *Washingtonpost.com*, 21 July 2023, p. NA. *Gale In Context: Opposing Viewpoints*, link.gale.com/apps/doc/A758014968/OVIC?u=la74598&sid=bookmark-OVIC&xid=4a39e0ae. Accessed 18 Nov. 2024.

4.6: Breach of Contract Example is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by Mabel Gehrett and Western Technical College.