

12-3-07 - New set of legal woes for Bishop Brown: Church Back in Court
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You know how Bishop Tod Brown won't have to face contempt charges today? Well, not so fast. In another courtroom this morning, in a completely different case, a completely different plaintiff's attorney will ask for sanctions against Brown and the Catholic Diocese of Orange for allegedly violating a completely different court order.

This has nothing to do with molestations – at least not sexual molestation. But what do you call allegedly selling a widow's grave out from under her and her late husband? Perhaps out from under many widows and their late spouses? And not telling them until they show up, grieving, two days before the funeral and then shuffling them off to some weed-strewn area?

In 1986, James and Betty Pritel of Los Alamitos, devout Catholics both, went to Good Shepherd Cemetery in Huntington Beach and bought two grave sites for \$2,000. Good Shepherd is one of four Catholic cemeteries in O.C. They "settled on two beautiful sites, located side-by-side upon a gentle knoll underneath a mature tree," according to court records.

James died on April 8, 2005. Three days later, Good Shepherd called Betty and asked her to come in and sign some papers. The funeral was two days away. Betty, 81 and using a walker, went to the cemetery and was told their site had been sold. The cemetery rep showed her "to an expanded area adjacent to an undeveloped field with weeds." Betty became upset and said she couldn't bury James there.

The cemetery said no other locations were available. Finally, after much protest by her son, the rep took them to yet a third grave site. This was a little more acceptable, but she wanted to make sure that a nearby road would not be routed next to this new location. She wanted the serenity of the first plot. The road would not be extended, her attorney says she was told. She signed the agreement and buried James.

In March of this year, she visited his grave and discovered that the road had indeed been paved through. The family contacted a Santa Ana attorney named Tom Normandin. This kind of matter is outside his area of practice, but Betty was a family friend, so he agreed to handle it. What he thought was a simple mistake with one couple has morphed into something larger.

In deposing cemetery workers, he found out about the existence of a "special file" that contains a number of other couples whose paid-for graves were resold. Good Shepherd's manager testified she created the file in 2001 when she learned that about 10 plots had been resold and that she told the director of all four Catholic cemeteries. Normandin sought the file, but the diocese only turned over contents with the names of other purchasers redacted.

I was in Judge Randell Wilkinson's courtroom Wednesday when Normandin asked the judge to order the diocese to turn over the unredacted file and other documents and to make the cemetery manager available for further questioning. The diocese's attorney, Kevin Berreth, argued that his client had turned over everything relevant.

Not true, says Normandin, who wants to learn the extent of the grave-selling, whether it is a mistake or intentional, how high up the diocesan food chain knowledge goes and whether it is being done at other cemeteries. The judge granted most of what Normandin wanted. The order in part: "Defendant is further ordered to produce the original 'special file' and original plot book for section G at the 11/29 deposition of (the cemetery manager)."

But on Thursday, the 29th, the defense informed Normandin it didn't understand that part of the order, and so neither the manager nor the special file showed up. An amazed Normandin will be in court this morning, seeking punitive sanctions against the diocese, the bishop and the attorney.

I left a message for Berreth but he didn't return it. In its overall response to the lawsuit, he issued a general denial as well as some specific defenses, including that Betty signed an agreement saying the new site was OK and that she waited too long to sue.

Normandin says he will ask Wilkinson to appoint a special receiver to immediately inform all the other people whose graves sites have been sold. "They think it is appropriate to wait until somebody passes away and then to tell the heirs or surviving spouse when they come into the cemetery, just as my client was (told)."

In cases of grieving octogenarians like Betty, Normandin said, that might constitute criminal elder abuse. Paging T-Rack.