

IN THE SUPREME COURT OF OHIO

MARK ALBRECHT, et al., : Case No. 07-0507  
Respondents, :  
- vs - :  
BRIAN TREON, M.D., et al., : Certified Question from  
Petitioners. : United States District Court,  
Southern District of Ohio,  
Western Division

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PETITIONERS' REPLY TO RESPONDENTS' MERIT BRIEF

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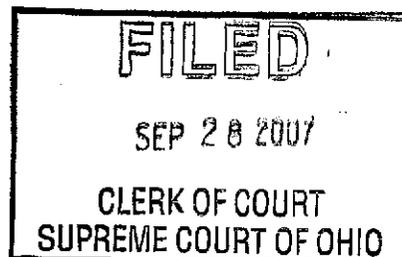


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**A. Respondents’ unilateral expectation of respectful treatment of the dead does not give rise to a protected interest in autopsy specimens.**

There can be no serious dispute that Ohio law, the traditions of most cultures, and modern societal norms require respectful treatment of the dead. Yet, this Court is not being asked to determine whether coroners, by failing to return autopsy specimens, are demonstrating an unlawful disrespect for the dead. Rather, the Court is being asked to determine whether Ohio law by its terms provides Respondents and others similarly situated with a protected interest in the specimens that result from a properly conducted post-mortem medical procedure.

In responding to the question before the Court, Respondents’ Brief fails to make the necessary demonstration of the existence of a protected interest in the specimens resulting from their son’s autopsy. Rather, Respondents’ argument centers on whether next of kin are entitled to respectful treatment of their decedent. Who could answer no? Yet Respondents’ approach simply avoids the question before this Court: do next of kin have a protected interest in autopsy specimens.

To show a liberty interest Respondents are required to point to “state law in the form of statutes, rules, regulations or policy statements ....” *Washington v. Starke* (6th Cir. 1988), 855 F.2d 346, 348. They must point to those areas of the law where the state has imposed specific

“substantive limitations” on the discretion of state officers, or, in other words, to show where the state has used explicit “language of an unmistakably mandatory character ....” *Washington*, 855 F.2d at 349; *see also, Hewitt v. Helms* (1983), 459 U.S. 460, 472 (“[T]he repeated use of explicitly mandatory language in connection with requiring specific substantive predicates demands a conclusion that the State has created a protected liberty interest.”). “The *mandatory* nature of the regulation is the key, as a plaintiff ‘must have a legitimate claim of entitlement to the interest, not simply a unilateral expectation of it.’” *Washington v. Starke* (6th Cir. 1988), 855 F.2d 346, 349, (emphasis in original), quoting *Bills v. Henderson* (6<sup>th</sup> Cir. 1980), 631 F.2d 1287, 1292.

Petitioners have, in their Merit Brief, demonstrated that Ohio law has never placed a substantial limitation on the discretion of coroners in performing autopsies. Nor has Ohio law placed substantial limitations on physicians performing pre-mortem surgeries. Indeed, the same administrative rule has provided that surgeons and coroners dispose of the body parts whose control Respondents seek as medical waste. O.A.C. 3745-75-01(B)(27)(c).

At the same time, Respondents have failed to demonstrate the existence of a property interest in autopsy specimens. That demonstration requires Respondents to cite to “state statutes or rules entitling the citizen to certain benefits.” *Board of Regents v. Roth* (1972), 408 U.S. 564, 577; *Connell v. Higginbotham* (1971), 402 U.S. 207; *Goldberg v. Kelly* (1970), 397 U.S. 254; *Wolff v. McDonnell* (1974), 418 U.S. 539. In Ohio, the only legitimate claim of entitlement, a property interest, in the organs of a deceased, is found in R.C. 2108.02(F). Here the “donee” holds the right. Yet, the statute defines “donee” to be a “hospital, surgeon, physician, or recovery agency, for transplantation, therapy, medical or dental education, research, or advancement of medical or dental science;” or, an “accredited medical or dental school, college, or university, for

education, research, or advancement of medical or dental science.” R.C. 2108.03(A), (B).

Conspicuously absent from this list is “next-of-kin.”

There is a universally shared instinct to provide the bodies of the deceased of one’s culture with a respectful burial. However, neither Sophocles, Homer nor the United States Marine Corps has ever made a claim that a respectful burial requires a complete reassembly of the corpse. Respondents use the proposition that a failure to permit next-of-kin to bury all of a body constitutes a failure of respect to veer away from the certified question and assert that the actions of Ohio’s coroners in properly retaining, examining, and ultimately disposing of medical waste is disrespectful because it denies next-of-kin the right to bury their decedents properly.

To support this assertion, Respondents cite those few cases in Ohio dealing with improper handling of the dead. To be sure, Ohio courts have found that next-of-kin have a state-law remedy for such misconduct. None of these cases, however, call into question the performance of autopsies. Nevertheless, Respondents make a daring leap of logic: where a coroner’s disposal of medical waste is – according to them -- disrespectful, and where mishandling of bodies is unlawful, the retention of autopsy specimens must be actionable.

All of this is, however, irrelevant to the case at bar. First, until their Merit Brief Respondents have made no allegation of disrespectful conduct on the part of Petitioners. Second, where state statutes exist that mandate a coroner to perform autopsies and where state regulations mandate that autopsy specimens be disposed of as medical waste, Respondents cannot find either a liberty or property interest in autopsy specimens.

**B. The Hamilton County settlement in *Hainey v. Parrott* resolves nothing.**

Where a plaintiff is entitled to due process, a court must then determine whether the plaintiff was provided with sufficient notice and the opportunity to be heard “at a meaningful

time and in a meaningful manner.” *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).

The United States Supreme Court has consistently held that some form of hearing is required before an individual is finally deprived of a property interest. *Wolff v. McDonnell*, 418 U.S. 539, 557-558 (1974). The “right to be heard before being condemned to suffer grievous loss of any kind, even though it may not involve the stigma and hardships of a criminal conviction, is a principle basic to our society.” *Joint Anti-Fascist Comm. v. McGrath*, 341 U.S. 123, 168 (1951). Accordingly, the due process to which Respondents assert they are entitled requires more than notice of the proposed deprivation of a protected interest.

According to Respondents, “... the Defendants-Petitioners’ litany of dire consequences to the efficient and proper autopsy practiced [sic] is spurious. Both Franklin and Hamilton Counties now provide the exact notice and protection sought by this suit.” Respondents’ Merit Brief at page 15. In support of this claim, Respondents rely on the results of the settlement in the matter of *Hainey v. Parrott*, Case No. 1:02CV733, United States District Court, Southern District of Ohio, Western Division. *Hainey*’s claims against Hamilton County are identical to the case at bar.

Respondents have provided the Court with the provisions of the new policy of the Hamilton County Coroner (unidentified exhibit following Exhibit B) as well as two pages from the transcript of the September 10, 2007, fairness hearing on the settlement (Exhibit B). The questions raised by Respondents have never been about notice. The Revised Code provides for notice to next-of-kin prior to the performance of an autopsy. Respondents’ concern arises from the delay occasioned by a due process requirement that a person be given a meaningful opportunity to be heard about the deprivation of a protected interest, in this case, autopsy specimens.

To be sure, the Hamilton County “Statement of Policy” raises many more questions than

it answers. Not only does the policy statement fail to produce the due process requested by Respondents (and required by state and federal courts), a review of the entire transcript of the fairness hearing demonstrates conclusively that Respondents' concern about the "opportunity to be heard" element of due process as an impediment to the statutorily mandated work of a coroner is well-placed.

A review of the "Statement of Policy" document demonstrates the flaws in Respondents' argument. Of most significance is the following paragraph found at the conclusion of the "Statement of Policy:"

Remains of organs that have been retained in observance of good medical practice for the purpose of examination or testing, or as required by law, may be retrieved by the next-of-kin, his or her authorized agent, or other person permitted by law to deal with the remains of the deceased, by delivering written notice of their intention to retrieve the organs to the office of the Hamilton County Coroner within SEVEN DAYS of claiming the body from the morgue. When the organs are available to be retrieved, the Coroner will notify the person identified in the written notice and the person or agency that originally claimed the body of the deceased. In the event that no written notice is received by the Coroner as described herein, such retained organs may be cremated and dealt with according to law without further notice.

Further, Ohio law provides that a guardian has the right, superior to that of next-of-kin, to dispose of the body of a ward. R.C. 2111.13(E). During the course of the Fairness Hearing, both the Fund Administrator and Respondents' counsel herein, agreed that notification of *all* next-of-kin was difficult and time-consuming business sometimes impeded by the unwillingness of relatives to provide cooperation. Exhibit 1, attached hereto, partial transcript of September 10, 2007, *Hainey v. Parrott* Fairness Hearing on Settlement, pp. 7, 8, 9.

Next, the Hamilton County “Statement of Policy” declares unilaterally that “[b]odily fluids and tissue samples kept for microscopic examination and/or testing are not returned.” However, the matter before this Court encompasses all “body parts,” and Respondents have previously made the clear assertion that their protected interest is in all autopsy specimens. See, e.g., Complaint at paragraph 14. While the Policy Statement provides for the return of hearts and brains, the disposition of other organs remains unclear. It appears then that Respondents’ counsel (also counsel in *Hainey*) and Hamilton County officials have decided on behalf of the class members that hearts and brains are constitutionally protected, have notified them that tissue and fluid samples are subject to disposal, and leave the rest for future litigation.

On the Hamilton County form only one signature is required to release the body and accept the notice regarding return of autopsy specimens. As pointed out above, there is no provision for notification of all next-of-kin who may, as a matter of law, have a say in the disposition of the body. Finally, Hamilton County’s Policy provides no opportunity to be heard by next-of-kin who may object to retention, examination or testing of the autopsy specimens. Instead, one family member (or whoever signs the Request to Release the Body) is told, again unilaterally, that if he does not retrieve the retained organ, it will be destroyed “without further notice.”

Statements by the Hamilton County class members at the Fairness Hearing provide uncontroverted evidence that a hearing, even one conducted by the Chief Judge of the United States District Court for the Southern District of Ohio, results in next-of-kin contesting the coroner’s right to perform the autopsy itself, claiming that where the cause of death is known (to them) that further examination and testing is unnecessary, complaining about the resulting – but inevitable – damage to the body, and speculation and arguments about what is actually being

returned to the funeral home. Exhibit 1, pp. 2-10.

Yet notices and settlement agreements aside, Ohio law has provided since 1991 – in some cases with detail and specificity -- that a coroner may remove, examine, test and retain body parts during the course of an autopsy then dispose of the tissues, fluids or organs as medical waste. The Ohio legislature has been clear since 1991, that a coroner is to notify “any known relatives of a deceased person” upon whom he will perform an autopsy. R.C. 313.14. In addition, the legislature has provided for a limited opportunity for hearing in those cases where an autopsy would violate the religious beliefs of the deceased (but not those of the next-of-kin). The legislature determined, however, that such a hearing would not be permitted to delay an autopsy where “aggravated murder, suspected aggravated murder, murder, suspected murder, manslaughter offenses or suspected manslaughter offenses” were suspected. R.C. 313.131.

The clash between the beliefs and wishes of grieving individuals against the need for society to obtain information about a questionable death is obvious. Ohio law has long chosen to permit a coroner to engage in an invasive and destructive procedure that results in further injury to the deceased over the desires of next-of-kin to bury bodies in as pristine a condition as possible. Respondents have simply failed to demonstrate otherwise.

**C. This Court should answer the certified question in the negative.**

It is perhaps important to note that, in the case at bar, in the autopsy report pertaining to Respondents’ son, the coroner noted that as the result of a previous, pre-mortem surgery, a substantial portion of Christopher Albrecht’s brain had been removed. See Petitioners’ Merit Brief, Exhibit B, page 7. There is no dispute raging before this Court about the propriety of a surgeon operating on a live patient disposing of medical waste – waste which may, in fact, include organs or substantial portions thereof, as well as other body parts such as muscles or

limbs or bones – against the wishes of next of kin who will not, ultimately, receive the entirety of their relative’s body for burial. Quite simply, doctors whether working pre- or post-mortem have traditionally been permitted to perform their professional duties without interference from those who wish to impose their personal beliefs, morals, ethics or desires on what are clearly medical decisions.

Finally, in his hurry to prepare three briefs in the time allotted (one for Respondents and two for Respondents’ *amici*), Respondents’ counsel seems to have taken insufficient time to review Petitioners’ Brief. This has resulted in Respondents accusing Petitioners referring to the body of the soldier killed and dragged through the streets of Mogasihu as a “dead carcass.” Respondents’ Merit Brief at page 18. This is patently false. Petitioners’ Merit Brief (nor any other document filed by Petitioner in this matter) makes no reference to that event and does not use that term. Petitioners have tried throughout this matter to present objective argument about difficult subject matter.

Based on Petitioners’ Merit Brief and the foregoing Reply, Petitioners respectfully request this Court to hold that no interest protected by Ohio law exists in autopsy specimens.

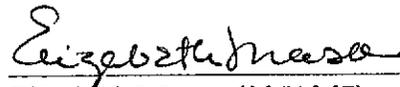
Respectfully submitted,

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**PROOF OF SERVICE**

I hereby certify that a copy of the foregoing Brief has been served upon John H. Metz, Esq., counsel of record for Respondents, at his office, 441 Vine Street, 44<sup>th</sup> Floor, Cincinnati, Ohio 45202-3016, and upon Patrick J. Perotti, Esq., counsel for Plaintiffs-Respondents, at his office, Dworken & Bernstein, 60 South Park Place, Painesville, Ohio 44077, by ordinary U.S. mail, postage prepaid, this 27<sup>th</sup> day of September, 2007.



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Assistant Prosecuting Attorney

**APPENDIX**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

- - -

KATHY HAINEY, et al.,	.	CASE NO. 1:02-CV-733
	.	
Plaintiffs,	.	Cincinnati, Ohio
	.	
- v -	.	Monday, September 10, 2007
	.	9:00 a.m. Hearing
CARL L. PARROTT, et al.,	.	
	.	Fairness Hearing
Defendants.	.	

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TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE SANDRA S. BECKWITH, CHIEF JUDGE  
TRANSCRIPT ORDERED BY: Elizabeth Mason, Esq.  
APPEARANCES:

Special Master:	Marlene Penny Manes, Esq. 917 Main Street, Suite 400 Cincinnati, Ohio 45202
For the Plaintiffs:	John H. Metz, Esq. 4400 Carew Tower 441 Vine Street Cincinnati, Ohio 45202
For the Defendants:	HAMILTON COUNTY PROSECUTOR'S OFFICE: BY: David T. Stevenson, Esq. Assistant Prosecuting Attorney William Howard Taft Law Center 230 E. Ninth Street, Suite 4000 Cincinnati, Ohio 45202
Also Present:	Andrea Hatton (Adm. Asst.) Renee Grammer (Asst. to Ms. Manes) Geoffrey P. Damon, Esq. Many interested persons

Law Clerk:	Patrick F. Smith, Esq.
Courtroom Clerk:	Mary C. Brown
Court Reporter:	Mary Ann Ranz



1 then the distribution and the timetable that Ms. Manes has  
2 described, it is not going to apply.

3 MS. MANES: And that's why I can't give you a  
4 definite answer. So it's really not in my hands. Yes, ma'am.

5 UNIDENTIFIED FEMALE SPEAKER: Yes, I'm Brianna  
6 Thompson's mother. Okay? She was an accidental death. I  
7 didn't sign no papers for an autopsy or anything on my child.  
8 And they already knew what was -- she hadn't asked me before.  
9 So to come and get her organs and do her autopsy, I didn't  
10 sign no waiver or anything like that.

11 And as far as the money, I couldn't care less about the  
12 money. I care about why would (unintelligible) Hamilton  
13 County for my child. She already went through enough to even  
14 come to this. And money -- you decide on what money? Money  
15 will never be enough for my child.

16 (Applause.)

17 UNIDENTIFIED FEMALE SPEAKER: And I didn't sign no  
18 paper for nobody. And the coroner shouldn't even touch her  
19 body. Her body should have been right where she was born. So  
20 my problem is, nobody -- I could die today and there still  
21 wouldn't be a problem about the money, 'cause all these people  
22 right here, six million dollars will never change the fact  
23 that my child --

24 (Applause.)

25 (Many persons speaking simultaneously.)

1 they got to him, he was dead, basically. And I don't  
2 understand why would they have to keep them for further  
3 investigation when they pretty much knew he died from  
4 whatever, and on his death certificate it says smoke  
5 inhalation. You know what I'm saying? I --

6 MS. MANES: I can't answer why the coroner's office  
7 chose to autopsy.

8 MS. HILL: I agree with the autopsy because I know --  
9 you know, whatever reason. I just didn't understand why they  
10 had to keep that. And if the paper said he died from smoke  
11 inhalation, why would they keep it for? You know, I'm pretty  
12 sure about people that say what -- just like I'm basically  
13 saying what -- they have the same questions.

14 I just don't understand. I went through enough picturing  
15 my son walking to the white light. I went through enough  
16 picturing my two-year-old son laying on the autopsy table,  
17 somebody cutting him open and I wasn't there, like. And then  
18 to find out that they didn't give me my whole child -- I  
19 donated what I wanted them to have at the hospital so somebody  
20 else could live on. And then after that, like --

21 MS. MANES: I'm sorry, but, you know, the  
22 individual --

23 MS. HILL: Okay. It ain't toward you personally.

24 MS. MANES: I understand that. And I understand this  
25 is probably your only forum so far to be able to verbalize

1 thing is, what did they do with my brother's body organs? I  
2 mean, obviously they didn't put them back in. And then they  
3 didn't even notify the next-of-kin. They didn't notify the  
4 next-of-kin as to what they did. I mean, this is my thing.  
5 How could somebody in such high positions be so barbaric?  
6 It's bad enough that these people went to hell living, and  
7 then they have to go through this stuff even in death. That  
8 is insane.

9 UNIDENTIFIED FEMALE SPEAKER: It is.

10 (Applause.)

11 MS. MANES: I appreciate your comments, sir. And,  
12 again, my job is just to administer the fund.

13 MR. DILLARD: It's not directed towards you, ma'am.

14 MS. MANES: And I'm sorry that I had to be the one  
15 that contacted you.

16 MR. DILLARD: I appreciate you. It's not directed  
17 towards you. It's directed towards the individuals that  
18 committed this barbaric act --

19 UNIDENTIFIED FEMALE SPEAKER: Who should be here.

20 MR. DILLARD: -- who should be here.

21 MS. MANES: Unfortunately, that individual is not an  
22 employee of the county any longer.

23 (Many people speaking simultaneously.)

24 MS. MANES: Excuse me. One minute. There is  
25 somebody who had their hand up way in the back and --

1 So...

2 UNIDENTIFIED FEMALE SPEAKER: But what if they  
3 already knew? Like they did the autopsy on my father. He was  
4 in an accident. He jumped out of a window. When he got to  
5 the hospital, he was there for three days. They gave him some  
6 medicine mixed in with his heart -- they didn't know he had  
7 heart disease -- and it killed him and they told us that. And  
8 then they took him to the coroner's office and did the  
9 autopsy. I find out -- it's seven years later. He died in  
10 2000. And I'm like -- he wasn't even supposed to have an  
11 autopsy. And so he was buried without nothing. Absolutely  
12 nothing: No brain, no heart, no -- probably no arms and legs.  
13 I mean -- I mean, he was buried with nothing in the inside.  
14 And then all you say we have to approve this and it will take  
15 this long. "We have to approve this." What's to approve? If  
16 it was y'all family member, I'm sure you all would be on it,  
17 straight on.

18 UNIDENTIFIED MALE SPEAKER: You wouldn't be selling  
19 out for no change.

20 UNIDENTIFIED FEMALE SPEAKER: And we got questions  
21 for the coroner. That's who needs to be here. But you all  
22 represent him. But each time we ask the question, it's like,  
23 "That's for the coroner. That's for the coroner." But if you  
24 represent, you need to stand up --

25 THE COURT: That's why I want to know how many people

1 the face. We've got to move on.

2 UNIDENTIFIED FEMALE SPEAKER: Can I ask you a  
3 question?

4 MR. METZ: Sure.

5 UNIDENTIFIED FEMALE SPEAKER: And I understand you  
6 said different things, and going back, well, my daughter --  
7 she -- it was already -- I didn't order no autopsy. You know,  
8 she shouldn't have got one. They already knew the cause of  
9 death. I didn't sign any papers. Okay? To me, a slap in the  
10 face is that we put our trust in the coroner's office to do  
11 our loved ones right, just right. You know? And to come in  
12 here and say -- okay, I understand about the money and people  
13 work every day, but as you represent somebody and they family  
14 and they loved ones, you know, and they did the autopsy, the  
15 coroner shouldn't have never touched my daughter. You know  
16 what I'm saying?

17 MR. METZ: I understand. And you and I and Dave  
18 Stevenson can talk without taking everybody's time, because  
19 your points are good points, but you need to understand the  
20 entire -- because these are the statutes. Where you have to  
21 look to is your legislators.

22 UNIDENTIFIED FEMALE SPEAKER: Uh-huh.

23 MR. METZ: They're the ones that pass these laws and  
24 Mr. Stevenson and the coroner have to live by those. So  
25 that's a whole other subject. We really need to move along

1 hours he has invested in this case.

2 So, ma'am, in the red.

3 MS. SANDERS: I wanted to kind of go back a little  
4 bit. This is Sharon Sanders again. When you guys were  
5 disbursing the packets to the families of all this information  
6 and so on, there's nine brothers and sisters in my family and  
7 only one was given anything, and I never even received a phone  
8 call back.

9 MS. MANES: That's because we only had one name per  
10 decedent given to us by the coroner's office. That name is  
11 the contact person.

12 UNIDENTIFIED MALE SPEAKER: Right.

13 MS. MANES: And that's why on the form it asks the  
14 individual who received the form to tell us if there are other  
15 people. Now, sometimes there's, you know, there's contention  
16 in the family and people won't tell us who the other people  
17 are.

18 MS. SANDERS: Okay, I can understand that. But in  
19 the same sentence here with this, questions I have, we found  
20 out all this information about my brother, his name, in *The*  
21 *Enquirer*, not from the coroner's office.

22 MS. MANES: I understand that. That's why my office  
23 put the ads in, because we did not have enough contact  
24 information. So we listed all the names, not just the names  
25 of people we didn't have contact for. We listed all the names

1 people read the Life section, some people read the Classified  
2 section, and I had to negotiate with *The Enquirer* because they  
3 don't normally run these except in the Classified area. And  
4 I'm saying, "No, not everybody reads the Classified section."

5 MS. SANDERS: Okay, but you're missing --

6 MS. MANES: So, I'm sorry if, you know, you found it  
7 on the page you saw it --

8 MS. SANDERS: Right. Put my point is, you're missing  
9 my question. Our names -- we are all from Hamilton County.  
10 We all lived there all our lives. There's not that many  
11 people with the last name of Swafford in Hamilton County. I'm  
12 sorry: You didn't do your homework for us, except you get  
13 \$2 million. Us finding all this information through a  
14 newspaper article -- if you would have picked up the telephone  
15 and called that person's name that was listed with the  
16 coroner, you would have found my family; we wouldn't have  
17 found you or this whole mess through a newspaper article. So  
18 I'd like to know where all your time and effort and money is  
19 spent on your case.

20 MR. METZ: Okay. Well, in fact Ms. Manes and I both  
21 have done it. In fact, I think she's got an example by the  
22 name of Butler. And her office spent a day and a half trying  
23 to find Butlers. Okay? And the thing that you don't  
24 understand, and I don't think anybody in this room does until  
25 you go through 15 boxes of this, when the decedent shows up in

1 the coroner's office, they don't show up with, "Hello, my wife  
2 is so-and-so." They just get a body. And on their sheet,  
3 it's called Informant. That's what we have to go by.

4 What we found out in the *Brotherton* case 18 years ago,  
5 "Informant" may be the person next door, no relation. The  
6 informant is only who called the coroner's office and says,  
7 "There's a dead body here." So over and over again we get  
8 their records and that's all we've got to go from to try to  
9 track it down. But the fact that you are here and you did get  
10 the notice in the paper shows that we did do our job, that all  
11 of us did.

12 MS. SANDERS: Okay. First of all, my sister had  
13 power of attorney over my brother and she was supposed to be  
14 contacted when it came to the coroner, is all I'm saying.

15 MR. METZ: How do we know that?

16 MS. SANDERS: Because you didn't do your job.

17 MR. METZ: No, no, no. No, no, no. All we have is  
18 the coroner's file.

19 MS. SANDERS: Okay. Then you would have had names,  
20 is all I'm saying.

21 MR. METZ: We used the informant in the coroner's  
22 file. So I don't know -- I'll be glad to look at yours in  
23 particular to see why there was a problem. But many times we  
24 do not have the next-of-kin.

25 THE COURT: Ma'am, you've had your hand up for a long

1 very closely with families who are grieving and make  
2 end-of-life decisions like we all have.

3 March 5th, 1992, the day I will never forget, I was only  
4 16 years old when I answered the phone and was told that  
5 Adrienne had a seizure and suffered a traumatic brain injury.  
6 She was rushed to University Hospital where she was in a coma  
7 due to a subdural hemorrhage. Three days later, I saw  
8 Adrienne for the first time in her ICU bed. Her head was  
9 shaved, monitors were everywhere, and a machine was breathing  
10 for her.

11 The next afternoon, March 9th, 1992, Adrienne was  
12 pronounced brain-dead. Our family was devastated. While  
13 Adrienne remained on a ventilator, my parents were approached  
14 with the option of organ and tissue donation. Unfortunately,  
15 my parents never discussed what their wishes were regarding  
16 donations, especially not when it came to deciding for one of  
17 their children. My dad wanted desperately for Adrienne to  
18 donate anything she could, and my mom didn't want anyone to  
19 touch her child. My mom felt just as strongly about  
20 protecting Adrienne after she was pronounced brain-dead as she  
21 did while Adrienne was still alive.

22 Adrienne was only 33 years old -- a healthy woman, but was  
23 legally and clinically deceased.

24 After much education and discussion, my parents mutually  
25 decided to donate Adrienne's vital organs and corneas for

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C E R T I F I C A T E

I, Mary Ann Ranz, the undersigned, certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

  
Mary Ann Ranz  
Official Court Reporter