

FILED
08-30-2017
CIRCUIT COURT
DANE COUNTY, WI
2017CV002139
Honorable Rhonda L.
Lanford
Branch 16

STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY

REYMOND V. BLAZYS
c/o Attorney Michael R. Godbe
Post Office Box 2155
Madison, WI 53701,

Plaintiff,

Case No. _____

Case Code: 30303

v.

JURY TRIAL DEMANDED

STONEMOR WISCONSIN LLC and
STONEMOR WISCONSIN SUBSIDIARY LLC
3600 Horizon Boulevard, Suite 100
Trevose, PA 19053-4965,

Defendants.

SUMMONS

THE STATE OF WISCONSIN

To each person named above as a Defendant:

You are hereby notified that the Plaintiff named above has filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within twenty (20) days of receiving this Summons, you must respond with a written answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the Complaint. The court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the court, whose address is Dane County Courthouse, 215 South Hamilton Street, Madison, WI

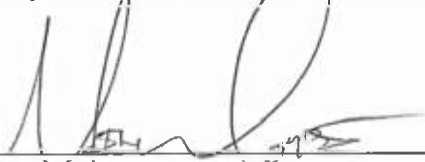
53703 and to Hawks Quindel, S.C., Plaintiff's attorneys, whose address is 409 East Main Street, Madison, WI 53703. You may have an attorney help or represent you.

If you do not provide a proper answer within twenty (20) days, the court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated this 30th day of August, 2017.

HAWKS QUINDEL, S.C.

Attorneys for the Plaintiff Reymond V. Blazys

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COMPLAINT

The Plaintiff, Reymond V. Blazys, through his attorneys, Hawks Quindel, S.C., by Nicholas E. Fairweather and Michael R. Godbe, and for his Complaint against Defendants, StoneMor Wisconsin LLC and StoneMor Wisconsin Subsidiary, LLC states as follows:

NATURE OF PROCEEDINGS

Plaintiff brings this civil action against Defendants, StoneMor Wisconsin LLC and StoneMor Wisconsin Subsidiary LLC, to redress Defendants' violation of Wisconsin Public Policy.

PARTIES

1. Plaintiff, Reymond V. Blazys, is an adult resident of the State of Wisconsin.

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2. Defendant, StoneMor Wisconsin LLC, is a domestic limited liability company; its principal place of business is 3600 Horizon Boulevard, Suite 100, Trevose, PA 19053-4965.

3. Defendant, StoneMor Wisconsin Subsidiary LLC, is a domestic limited liability company; its principal place of business is 3600 Horizon Boulevard, Suite 100, Trevose, PA 19053-4965.

4. Defendants shall be hereafter referred to collectively as ("StoneMor").

FACTUAL ALLEGATIONS

5. Paragraphs 1-4, *supra*, are reasserted as though set forth here in full.

6. Reymond V. Blazys was hired by Bronze Stone Group to work at Roselawn Memorial Park in Monona, WI ("Roselawn") in early April, 2015 to build concrete grave boxes that surround and protect caskets.

7. Beginning in May 2015, Mr. Blazys began working at Glenview Memorial Gardens in Ixonia, WI ("Glenview") in addition to continuing work at Roselawn in Monona. Glenview was also owned by Bronze Stone Group at that time.

8. Multiple co-workers of Mr. Blazys were often inebriated and high on marijuana, and would dig sloppy and insufficiently deep graves as a way of cutting corners.

9. In November 2015, Mr. Blazys witnessed a co-worker operating a backhoe raise the backhoe bucket and violently pound down on the top of a concrete

grave box that had been placed in an insufficiently deep grave in order to push it lower underground.

10. In mid-late November 2015, Mr. Blazys witnessed a co-worker repeatedly pounding on a grave box with the backhoe as described above. The operator broke both the grave box and the casket with the backhoe. Mr. Blazys and his co-workers could see the corpse of the deceased man inside the broken casket.

11. The backhoe operator remarked, "I won't do that drunk anymore." The grave had not been fully drained and water penetrated the casket and submerged the corpse. Referencing the fact that the deceased man had been in the Navy, the backhoe operator remarked, "Well he's in the water now."

12. In April 2016, another backhoe operator was digging a new grave between two (2) occupied graves while inebriated and broke a drainage tile, causing the newly dug grave to fill with water and also broke open the grave box occupying the adjacent grave.

13. Mr. Blazys recorded the damage in pictures and a video taken with his smart phone. Exhibits A and B. In the video, Mr. Blazys' co-worker can be heard saying, "oh, that smell dude is fucking getting to me," remarking about the fact that water had penetrated the casket inside the broken grave box and contacted the corpse inside it, creating a foul odor.

14. Mr. Blazys witnessed additional incidents of 'backhoe pounding' while his co-workers were inebriated and high on the job.

15. In August of 2016, StoneMor purchased Roselawn and Glenview from Bronze Stone Group.

16. In mid-August of 2016, there was a meeting at Roselawn attended by a number of StoneMor managers, including StoneMor's Regional Maintenance Manager, Darin Keener.

17. Following the meeting, Mr. Blazys approached Mr. Keener and showed him the video on his phone. He described how his co-workers were often inebriated and high on marijuana and described how most graves are shallow and the common backhoe 'pounding' process described above.

18. Mr. Keener told Mr. Blazys to speak with his foreman about these issues. When Mr. Blazys told Mr. Keener that his foreman was one of the individuals perpetrating the described activity, Mr. Keener said that he would address the problem.

19. Approximately two (2) weeks later, Mr. Blazys and the other StoneMor employees received a copy of StoneMor's employee handbook. The handbook included a telephone number to anonymously report any "concerns" to a "3rd Party – Security Voice Ethics Line." Exhibit C.

20. Because he had seen no indication that Mr. Keener was addressing the problem as he stated he would, Mr. Blazys called the anonymous hotline twice in late September to report his co-workers' behavior, once on September 25, 2016 and again on September 28, 2016.

21. Mr. Blazys was asked by the person he spoke with on the hotline to give his name, which he did. On information and belief, the “anonymous” hotline was not anonymous.

22. On or about October 5, 2016, three (3) StoneMor representatives flew in from out of state to come to Roselawn. Mr. Keener was one of the representatives; he was accompanied by Lauren Bailey of Human Resources and another woman.

23. At around 10:30 a.m. that day Mr. Blazys was called in to speak with the three (3) representatives. The StoneMor representatives asked Mr. Blazys about the video and he showed it to them on his phone.

24. Mr. Blazys communicated that the behavior was unacceptable and should be stopped, and that he also did not feel safe working around his co-workers when they were inebriated and/or high on marijuana. Mr. Blazys asked to be transferred to another StoneMor-owned cemetery.

25. Mr. Keener told Mr. Blazys that his “complaining” about other employees meant that he was “not right for this place.” He then told Mr. Blazys, “You have to go,” terminating Mr. Blazys’ employment.

26. Mr. Blazys filed for unemployment insurance shortly after his termination. StoneMor did not contest his eligibility for and receipt of unemployment insurance benefits.

CAUSE OF ACTION:
WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY

27. Paragraphs 1-26, *supra*, are reasserted as though set forth here in full.

28. Wisconsin has in statutes and regulations expressed a clear Public Policy concerning the proper treatment of the deceased and their families, as well as a concern for the treatment of the physical spaces where the deceased are buried.¹

29. Specifically, Wis. Stat. § 157.70(3)(a) mandates a person to report the disturbance of any place where human remains are buried.

30. Wis. Stat. § 157.70(1)(e) defines “Disturb” to include defacing, mutilating, injuring, exposing, removing, destroying, desecrating or molesting in any way.

31. StoneMor terminated Mr. Blazys employment in retaliation for reporting the disturbance of burial sites.

32. StoneMor’s termination of Mr. Blazys was in violation of Wisconsin Public Policy.

WHEREFORE, Plaintiff demands judgment against Defendants for:

1. Back wages and benefits;
2. Reinstatement of Mr. Blazys’ employment with StoneMor;
3. Reimbursement of Plaintiff’s attorney’s fees and costs; and

¹ See, Wis. Stat. § 157.067 (prohibiting financial connections between funeral homes and cemeteries); Wis. Stat. § 157.10 (outlining the procedure for establishing ownership of cemetery lots); Wis. Stat. § 157.111 (regulating the opening and closing of burial places); Wis. Stat. § 157.112 (regulating reburial of human remains by a cemetery authority so as to ensure that proper parties are notified of their decedent’s remains); Wis. Stat. § 157.115 (regulating the abandonment of cemeteries and cemetery lots and mandating that no court may authorize removal of bodies from an abandoned cemetery “unless suitable arrangements have been made to reinter the bodies”); and Wis. Admin. Code FD § 6.05 (Funeral Directors Training requirements).

4. Any other relief that the court deems just and equitable.

Dated this 30th day of August, 2017.

HAWKS QUINDEL, S.C.

Attorneys for the Plaintiff Reymond V. Blazys

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