

TAMPA

FUNERAL LAWSUIT WILL END WITH BURIAL

BY COLLEEN JENKINS
Times Staff Writer

The funeral home accused of refrigerating John D. Harden Jr.'s body for two months as it awaited payment from his mother has agreed to bury him.

In return, the mother's lawyer said Tuesday that he will drop the lawsuit against Harmon Funeral Home — after the burial.

Harden's mother, Judy Jacqueline Brown, filed suit last week. She said the east Tampa funeral home had quoted her a price of \$1,400 for her son's funeral and burial. Harden, 43, died of a heart attack March 1.

After the funeral service, director John W. Harmon III demanded \$2,000 more, she said. Brown, a 61-year-old maid at Tampa General Hospi-

tal, couldn't swing it. Harmon sent her son to a refrigerated storage unit in St. Petersburg.

The funeral director apparently had a change of heart over the weekend. His attorney called Brown's attorney Monday with the offer to perform the burial at no further cost.

A graveside service is planned for Saturday at Rest Haven Memorial Park.

Harmon didn't want to talk about the turnaround Tuesday. But Tom Carey, Brown's attorney, said she already has invited out-of-town relatives to the service.

"I think they did the right thing," Carey said. "The family's very happy."

Colleen Jenkins can be reached at (813) 226-3337 or cjenkins@sptimes.com.

» BURIAL continued from 1B

Home said no to payment plan

\$15,000 in damages.

At this point, Carey said, burying the body or releasing it so that someone else can would not be enough.

"The damage has already been done," he said. For the rest of Brown's life, "anytime someone mentions her son's death, she'll have to think of refrigerators and lawsuits."

The situation exacerbates a tough stretch for 61-year-old Brown.

She watched her oldest son, a quiet man who was something of a loner, suffer from diabetes and heart failure during his last years. When Harden could no longer work as a security guard, he moved in with her, and she helped care for him.

"She was the one taking him to the doctor, to the hospital," said another son, Rodney Harden. "She really looked on him."

Paid \$1,400 up front

She chose Harmon Funeral Home to handle her son's arrangements after he passed away March 1. John W. Harmon III, a licensed funeral director in Florida since 1982, runs the business at 5002 N 40th St. in Tampa.

Brown wrote a check for \$1,400, the amount she believed would cover the funeral expenses.

But the funeral home director required another \$2,000 before he would perform the burial, according to the lawsuit.

Brown, a maid at Tampa General Hospital, didn't have the money. She offered to pay \$100 a month until her debt was met. Harmon didn't budge.

Local funeral home directors said

they long ago stopped providing services on the promise of future payment. Payment plans too often left their pockets empty, they said.

Funerals typically run \$5,000 to \$11,000, but directors said families should have a written contract outlining their expenses and should pay before any services are rendered.

"If they have limited funds, we do what we can to keep it within their budget," said Lee Anderson, director at the Blount & Curry Funeral Home on MacDill Avenue.

In a short phone interview Thursday, Brown said she didn't get a written contract.

Harmon, 53, didn't stay on the phone with a reporter long enough Thursday to explain his understanding of their business arrangement. He blamed Brown for her son's delayed burial.

"She abandoned the remains," he said. "She just walked away. She didn't pay for the cemetery so we couldn't bury him. You're not going to get a free burial."

Hillsborough court records indicate Harmon's funeral home has been sued at least four times since the early 1990s. The cases were all settled or dismissed; details of most were not available Thursday because the case files were destroyed.

The tax collector also cited the business as a delinquent taxpayer nine times.

Brown's lawsuit also names Directors Service Inc., the facility on 44th Avenue N in St. Petersburg that has stored Harden's embalmed body

since his funeral. This service usually costs about \$10 a day, but manager Phillip Rouzer said he accepted Harden's body free as a favor to the funeral home.

He expected to keep the body only a couple of days, he said. The lawsuit caught him off guard.

"I just act as a holding facility and a crematory," he said. "All I know is basically it's between her and the funeral home."

Body must be released

Even if there is a contract that calls for Brown to pay more money, the funeral home and storage facility do not have the right to hold her son's body indefinitely, Carey said.

An expert in cemetery and funeral home malpractice litigation, he finds it unfair that Harmon would refuse to resolve the situation with a payment plan.

"You could go into a Rooms-to-Go and walk out with \$10,000 worth of furniture just on your signature," Carey said. "This very industry should be more willing to work with people rather than less willing, because the consequences are devastating."

Brown wasn't really interested in talking about the "depressing" ordeal Thursday.

Wanda Williams, Harden's sister, put it this way. "It's real sad that they won't let my mama bury him."

Researcher John Martin contributed to this story. Colleen Jenkins can be reached at (813) 226-3337 or cjenkins@sptimes.com.