

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF SUSQUEHANNA**

Harold Richman,

Plaintiff,

v.

Civil Action No. 20-cv-1234

Whispering Glades, Inc.,

Defendant.

COMPLAINT

Plaintiff Harold Richman, by his undersigned attorneys, alleges as follows:

The Parties

1. Plaintiff Harold Richman is an individual residing in the State of California. He purchased goods and services from the Defendant, namely burial plots with planting and maintenance of English Ivy ground covering, for his deceased parents.

2. Defendant Whispering Glades, Inc. is a business corporation, incorporated and having its principal place of business in Susquehanna. Defendant owns and operates Whispering Glades Cemetery in Gritty City.

Jurisdiction and Venue

3. This court has subject matter jurisdiction over the claims herein under 28 U.S.C. § 1332, because Plaintiff and Defendant are citizens of different states and the amount in controversy between Plaintiff and Defendant, without interest and costs, exceeds the sum or value of \$75,000.

4. Venue is proper in this district under 28 U.S.C. § 1331(b)(2), because a substantial part of the events or omissions giving rise to the claim occurred in this district.

Factual Background

5. Plaintiff's parents shared a devotion to English Ivy. They were active members of the Susquehanna State Chapter of the English Ivy Fanciers Association, earned numerous prizes for the English Ivy garden at their Gritty City home, and were internationally recognized as leading authorities on the history and cultivation of English Ivy. Countless times over the years, Plaintiff's parents reminded him of their wish to "spend eternity under the ivy that we love so dearly."

6. In October 2010, Plaintiff's parents passed away and their remains were interred at Whispering Glades Cemetery pursuant to an Eternal Rest Assurance Plan ("the Plan") that Plaintiff purchased from Whispering Glades.

7. The Plan included two burial plots, at a cost of \$5000, plus the planting and maintenance of English Ivy over the gravesites, for an additional annual fee of \$100.

8. Plaintiff has paid the annual \$100 maintenance fee each year since purchasing the Plan.

9. In October 2020, the tenth anniversary of his parent's passing, Plaintiff visited Whispering Glades to pay his respects. Plaintiff was shocked and horrified to discover that there was no ivy growing on his parents' gravesites.

10. On information and belief, despite Plaintiff's payment of the annual maintenance fee, Whispering Glades, unilaterally, without justification or excuse, and without notice to Plaintiff, removed the English Ivy in or around November 2015.

Count I

Violation of the Susquehanna Unfair Trade Practices Act

11. Plaintiff repeats and realleges the allegations of the preceding paragraphs as if fully set forth herein.

12. Defendant engaged in unfair or deceptive acts or practices in the conduct of trade or commerce, by advertising goods and services with intent not to sell them as advertised.

13. As a result of Defendant's unlawful conduct, Plaintiff has suffered monetary loss in the amount of \$500, representing the annual maintenance fees that Plaintiff has paid since 2015, when Defendant removed the English Ivy from the gravesites of Plaintiffs' parents.

14. As a further result of Defendant's unlawful conduct, Plaintiff has suffered severe mental and emotional distress over the betrayal of his parents' wish to be buried beneath the English Ivy that they so dearly loved.

Request For Relief

Wherefore, Plaintiff requests that the Court enter judgment in his favor and award the following relief:

- (a) Damages in an amount equal to three times the monetary loss sustained by Plaintiff as a result of Defendant's violation;
- (b) Damages for mental and emotional distress;
- (c) Costs, expenses, and reasonable attorney's fees incurred by Plaintiff in bringing this action; and
- (d) Such other and further relief as the Court may deem necessary, just, and proper.

Dated: November 16, 2020

Respectfully submitted,

Waldorf T. Flywheel

Waldorf T. Flywheel
FLYWHEEL, SHYSTER, & FLYWHEEL
1900 Rittenhouse Square
Gritty City, Susquehanna 19103
Telephone: 215-555-9999

Attorney for Plaintiff Harold Richman