

Appeals Court Affirms Summary Judgment (Funeral Home)

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The Appeals Court for the Commonwealth of Massachusetts affirmed summary judgment in favor of a defendant funeral home represented by Boyle | Shaughnessy Law shareholder Dawn Piccirilli. Attorney Piccirilli argued for summary judgment on behalf of the defendant funeral home in the superior court actions and argued the appeal against the twenty-seven (27) plaintiffs who sought emotional distress damages alleging that the funeral home subjected the plaintiffs' decedents to co-mingling, mishandling, abuse and other improper practices and processes. The plaintiffs argued on appeal that the trial court erred in allowing summary judgment because the plaintiffs may recover for the "foreseeable objectively reasonable fear that their decedents' bodies were mishandled." In addition, the plaintiffs proposed that the burden of proof should shift to the defendant to prove that no mishandling occurred. Attorney Piccirilli argued that the plaintiffs failed to establish that the plaintiffs' decedents were mishandled by anyone, including the funeral home, and that the plaintiffs cannot prove their negligence claims by their concern that their decedents' remains were possibly mishandled, without any proof that this was more likely than not. The Supreme Judicial Court for the Commonwealth of Massachusetts denied the plaintiffs' application for further appellate review.