



August 21, 2007

## **Morgue Photo Case Resolved**

### **Joint Statement of the Plaintiff Class and Hamilton County**

To paraphrase the Nation's 38<sup>th</sup> President at the close of the Nixon Watergate scandal, our long County nightmare is over. Today we announce a settlement of all claims and issues against all defendants in the morgue photo case, including without limitation former Hamilton County Coroner Dr. Carl Parrott and The Hamilton County Board of Commissioners.

Subject to the approval of federal Judge S. Arthur Spiegel, the parties have agreed as follows:

1. The County is issuing a formal apology to the families in the class, expressing sincere regret for the deeply troubling actions that unfolded under prior leadership at the Coroner's office.
2. Every copy of every offensive photo will be transferred to Class Counsel and destroyed.
3. With the County Commissioners' support and encouragement, a dialogue has commenced with Coroner Dr. O'Dell Owens to reopen the morgue viewing room, secure grief counseling, establish an advisory panel, and establish an appropriate memorial at the Morgue to commemorate the deceased family members and help the staff remain vigilant in its duty to hold all deceased persons safely.
4. The County will pay \$8 million to the class of 532 families but in deference to the County's fiscal crisis, the interest free payments will be made over two years.

Hamilton County and the Coroner's office are currently under new and responsive leadership. Commissioner Portune said, "The people who caused this problem have all left County Government. The people who fixed it have pledged to stay vigilant."

Al Gerhardstein, one of the Class Counsel stated, "If this case had gone to trial as scheduled next month, the verdict easily could have been three times the settlement amount. But nothing is certain and this settlement combines a fair payment for the injuries with important targeted reforms to ensure these horrific abuses never happen again." According to Stan Chesley, who filed this case 6 years ago on behalf of the Class, "Dr. Owens has acted aggressively to correct the mistakes of previous coroners. This settlement provides fair compensation to all of the families affected. The County Commissioners acted wisely and responsibly in closing this sad chapter in the history of the County."

This settlement marks the third time since 2001 that the Commissioners have paid damages for misdeeds in the Coroner's office that pre-date the term of current county Coroner Dr. O'Dell Owens and the current county commissioners. The first two cases cost county taxpayers \$5.25 Million (cornea removal without notice to families) and \$6 Million (body organ removal without notice to families) respectively. The current settlement, based on unauthorized manipulation and photography of bodies over a four month period in the morgue, is viewed by both sides as a fair compromise, particularly with the focus on continuing improvement at the Coroner's Office.

The Plaintiffs and County Commissioners join in their praise of the handling of this case by United States District Judge S. Arthur Spiegel who has presided over the case for six years and by United States Magistrate Judge Tim Black who assisted with settlement.

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