

Burial errors cost \$270,000

Jury finds in favor of six relatives of people who were interred in the wrong plots at Colonie cemetery

By **ROBERT GAVIN**
Staff writer

ALBANY — A state Supreme Court jury has awarded \$270,000 to members of two families whose loved ones were secretly buried in the wrong plots at Memory's Garden cemetery in Colonie.

Six relatives will each receive \$45,000 in compensatory damages — and could share more than \$2.4

million depending on punitive damages to be decided next week, their attorneys said.

The verdict was reached after a weeklong trial before state Supreme Court Justice John Egan.

"We're happy for our clients because what they wanted was justice," said Schenectady attorney Mark Myers, who represented the families along with Thomas DeLo-

renzo.

In March 2003, the state Cemetery Board found Memory's Garden not only placed bodies in the wrong graves without families' knowledge, but that cemetery officials lied to funeral directors and forged burial documents to hide mistakes.

A probe began after one-time superintendent Joseph Mabee alerted authorities to the problems. In a settlement with the state, the cemetery's entire board of directors was forced to resign in late

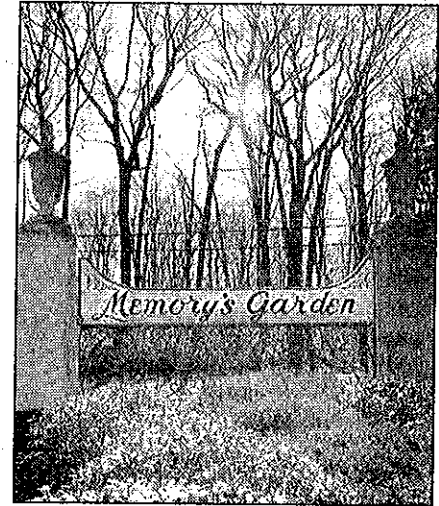
2003.

On Friday, nearly five years later, members of two families won a negligence lawsuit against the cemetery on Watervliet Shaker Road.

Five of the plaintiffs are children or next-of-kin of the late Charles and Virginia Plumer of Rensselaer County. The husband was buried at Memory's Garden in December 2001, his wife in November 1997.

Their relatives were identified in court papers as John Plumer of Rensselaer County, Veronica Clark

Please see **GARDEN B7** ▶



TIMES UNION ARCHIVE

MEMORY'S GARDEN buried bodies in the wrong graves, the state Cemetery Board found in March 2003.

GARDEN: Survivors win \$270,000

▼ CONTINUED FROM **B1**
of Albany County, Virginia Lashoff of Rensselaer County, Loretta Tierney of Fulton County and Charles Plumer Jr. of Connecticut.

Also suing the cemetery was Andrew Gnoinski Jr. of Schenectady County, whose father, Andrew Gnoinski of Schenectady County, was buried at Memory's Garden in January 1999. His wife, Ramona Gnoinski, was buried there in September 1990.

The lawsuit charged that in 2003, family members discovered neither couple was in the proper crypt. Instead, Charles Plumer and Ramona Gnoinski were in one location, while Andrew Gnoinski and Virginia Plumer were in another grave.

In the case of Ramona Gnoinski, Myers said, the cemetery initially placed her in the right location — then moved her to the wrong one.

In September 2004, the couples were laid to rest in the

proper graves, court papers said.

Terry Hannigan, the attorney representing the cemetery, declined comment citing the pending punitive judgment.

DeLorenzo said punitive damages are rare in Albany County, but noted it can be as high as nine times the compensation judgment. The six-member jury's decision was set for Thursday.

▶ Robert Gavin can be reached at 434-2403 or by e-mail at rgavin@timesunion.com.

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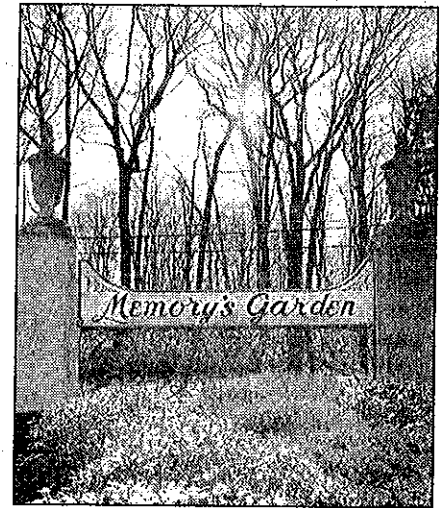
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