UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LYNCH & CO. FUNERAL DIRECTORS, PLLC,
A Michigan professional limited liability company,
THOMAS LYNCH, an Individual

Plaintiffs **Case No.**

vs

FUNERAL ETHICS ORGANIZATION, INC.
A Vermont corporation,
LISA CARLSON, an individual,
FUNERAL CONSUMERS ALLIANCE OF IDAHO, INC.,
An Idaho corporation,
FUNERAL CONSUMERS ALLIANCE, INC.,
A Pennsylvania corporation,

Defendants

_____/

SGROI LAW FIRM, PLC
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_____/

COMPLAINT
AND JURY DEMAND

NOW COMES Plaintiffs Thomas Lynch, an individual, and Plaintiff Lynch & Co. Funeral Directors, PLLC, a Michigan professional limited liability company, commonly known as Lynch & Sons Funeral Home, by and through their attorneys, Sgroi Law Firm, PLC, and for its Complaint states the following:

NATURE OF CASE

1. Plaintiffs Thomas Lynch and Lynch & Co. Funeral Directors, PLLC bring this Defamation action against Defendants based upon the publishing and distribution of defamatory statements in violation of MCL 600.2911 and common law.

JURISDICTION AND VENUE

2. Plaintiff Thomas Lynch is a citizen and resident of Oakland County, Michigan.

3. Plaintiff Lynch & Co. Funeral Directors, PLLC, a Michigan professional limited liability company, commonly known as Lynch & Sons Funeral Home, is a located in Oakland County, Michigan its principal place of business is in the State of Michigan.

4. Defendant Funeral Consumers Alliance, Inc. is a 501(c)(3) nonprofit corporation organized in the State of Pennsylvania with its principal place of business in the State of Vermont.

5. Defendant Funeral Consumers Alliance of Idaho, Inc. is a 501(c)(3) nonprofit corporation organized in the State of Idaho and its principal place of business is in the State of Idaho.

6. Defendant Funeral Ethics Organization, Inc is a 501(c)(3) nonprofit corporation organized in the State of Vermont and its principal place of business is in the State of Vermont.

7. Defendant Lisa Carlson is a citizen and resident of the State of Vermont.

8. Defendants availed themselves to the laws of the State of Michigan by knowingly and purposely doing business within the State of Michigan.

9. Venue in this Court is proper due to the significant contacts and business dealings is within this District, and evidence relevant to the subject matter of the damages all exist within this District.

10. The amount in controversy exceeds $75,000.00, exclusive of interest and costs, the sum specified by 28 U.S.C. § 1332, and diversity of citizenship of the parties exists.

COMMON ALLEGATIONS

11. The Funeral Consumers Alliance, Inc. is a non-profit organization which holds itself out to being dedicated to protecting a consumer's right to choose a meaningful, dignified, affordable funeral.

12. The Funeral Ethics Organization is a non-profit organization which is staffed by its Executive Director Lisa Carlson, who also serves as Editor.

13. In 1998 Lisa Carlson made libelous statements in her book entitled "Caring For The Dead: Your Final Act of Love" when she stated Thomas Lynch was a liar and accused him of misleading the public.

14. Defendant Funeral Consumers Alliance published on its website, www.funerals.org a presentation entitled "Deconstructing Thomas Lynch: Why good guys sometimes go wrong".

15. Defendant Funeral Consumers Alliance's presentation states falsely states, in part, "Lynch suggests only two alternatives: (1) Cremation, which quickly disposes of the body by fire, followed by a memorial service or (2) A funeral, at which the body must be displayed in the way funeral directors prefer".

16. This presentation is available online to the viewing public and has been made available via a link for affiliates of Defendant Funeral Consumers Alliance's in a self stated effort to "Deconstruct Thomas Lynch".

17. In the Fall 2007 edition of the Funeral Consumers Alliance of Idaho Newsletter, Defendant Carlson, in response to a PBS Frontline documentary of the Lynch family entitled "The Undertaking", was quoted as stating "In the program, the Lynches appear to have ignored the Rule, breaking the law in their dealings with at least three families."

18. Defendant Funeral Consumers Alliance of Idaho, Inc.'s newsletter was published and circulated not only in print via the U.S. Postal Service but remains accessible via the website http://fcai.fortboise.org.

19. Defendant Funeral Ethics Organization published its Spring~Summer Newsletter 2008 in which an article appeared titled "Black Eye for Green Burial Council" by Lisa Carlson.

20. In such article authored by Defendant Carlson and published and distributed by Defendant FEO, it states in part:

> Listed in Michigan, too, are six Lynch funeral homes. ***The Lynches have been vocal against families caring for their own dead***, even though Michigan has an excellent home burial statute, the ideal low-cost "green" option, if one didn't have to use a funeral director, too. (Emphasis added).

21. This article was circulated via the U.S. Postal Service nationally to all of Defendants subscribers, including Plaintiffs.

22. Additionally, this article and libelous statement was posted on the internet at the Funeral Ethics Organization, Inc.'s website www.funeralethics.org which in turn circulated the article and statement worldwide.

23. Defendant Lisa Carlson has since forwarded an "apology" which she states will be published in its next edition, which merely restates and rewords the malicious mischaracterization of Thomas Lynch and the entire Lynch & Son's business and family.

COUNT I
DEFAMATION PER SE
DEFENDANT CARLSON AND
DEFENDANT FUNERAL CONSUMERS ALLIANCE OF IDAHO

24. Plaintiffs incorporate by reference paragraphs 1-23 as if specifically restated herein.

25. Defendant Carlson's statements published in the Fall 2007 Newsletter of Defendant Funeral Consumers Alliance of Idaho indicating Plaintiffs are guilty of criminal activity is libel per se.

26. The statement and implications of the article of Plaintiffs' which indicate unlawful activity on the part of the Plaintiffs are untrue.

27. The libelous statements damage Plaintiffs' business and reputation by indicating that they are unlawful in their acts as funeral directors.

28. The statement was not privileged.

29. Defendant Carlson acted with malice in making such public statements.

30. The statement is actionable as defamation per se.

31. The publication of these remarks has resulted in damage to Plaintiffs' reputations in the community and funeral industry, both locally and nationally, and economic loss, including, but not limited to the following:

a. Loss of business due to mischaracterization of Plaintiffs' public stance on the issues involved;
b. Humiliation, mortification, and embarrassment both individually and professionally;
c. Other damages that may arise during the course of discovery and the course of this trial.

COUNT II
DEFAMATION
DEFENDANT FUNERAL CONSUMERS ALLIANCE

32. Plaintiffs incorporate by reference paragraphs 1-31 as if specifically restated herein.

33. The presentation and statements published on Defendant Funeral Consumers Alliance's website, www.funerals.org, as stated above, accuse Plaintiffs of unethical and untrue positions on the topic of after-life care and funeral options.

34. The defamatory statements have a tendency to, and have, prejudiced Plaintiffs in the conduct of their business and deter others from dealing with Plaintiffs.

35. The statements Defendant made were not privileged.

36. The statements Defendant made were made with malice, negligence, and/or reckless disregard for their truth or falsity.

37. Defendant Funeral Consumers Alliance provides this presentation and defamatory statements to its affiliate organizations, the media, and the public at large in a self proclaimed attempt to deconstruct Thomas Lynch and to interfere with his business.

38. As a direct and proximate cause of Defendant's wrongful conduct, Plaintiffs have suffered substantial economic injury, loss of goodwill, harm to their business reputation, loss of esteem and standing the community and industry, and loss of business opportunities.

39. The defamatory statements are actionable as defamation per se due to the damage to Plaintiffs business and their reputation in the funeral industry.

40. The publication of these remarks has resulted in damage to Plaintiffs' reputations in the community and funeral industry, both locally and nationally, and economic loss, including, but not limited to the following:

a. Loss of business due to mischaracterization of Plaintiffs' public stance on the issues involved;
b. Humiliation, mortification, and embarrassment, both individually and professionally;
c. Other damages that may arise during the course of discovery and the course of this trial.

COUNT III
DEFAMATION
DEFENDANTS LISA CARLSON AND
DEFENDANT FUNERAL ETHICS ORGANIZATION

41. Plaintiffs incorporate by reference paragraphs 1-40 as if specifically restated herein.

42. Defendant Carlson, both individually, and in her capacity as Executive Director and Editor of Defendant Funeral Ethics Organization, has continuously and unequivocally mischaracterized and defamed the Plaintiffs despite her knowledge of Plaintiffs and their very public views and beliefs on the funeral industry and support of "green" options.

43. The statement by Defendants published in the Funeral Ethics Organization's Spring-Summer Newsletter 2008 and on the website www.funeralethics.org is untrue and mischaracterizes the position the Plaintiffs take on the subject matter of the article and the statement regarding Plaintiffs' known position.

44. Defendants published the remarks to third parties with knowledge of the falsity of the statements or in reckless disregard of their truth or falsity.

45. The publication was not privileged.

46. On August 12, 2008, Plaintiff Thomas Lynch spoke to Defendant Carlson by telephone and asked for a mere apology and explanation for the statements made in the publication, in an attempt to resolve the manner amicably and without the need for litigation.

47. Defendant Carlson refused to apologize or retract her statements published.

48. On or about August 12, 2008 Plaintiff Thomas Lynch sent a written request to the John Eadie, President of Defendant FEO, and gave notice to the Defendants to publish a retraction of the statement published.

49. The Officers and Board of Directors failed to act in response to these tortious acts perpetrated against Plaintiffs, and have been compliant in the torts against Plaintiffs.

50. The Defendant Officers and Board of Directors of the Defendant Funeral Ethics Organization, under the leadership of Defendant Carlson, have failed to act with the care an ordinarily prudent person in a like position would exercise under similar circumstances or in a manner the officers reasonably believed to be in the best interests of the corporation and its members.

51. On September 9, 2008 Defendant Lisa Carlson sent via email to Defendant Thomas Lynch an "apology" in which she merely reworded her initial statements which still misconstrue and misstate the positions of Plaintiffs.

52. As of the date of filing this Complaint, Defendants have failed to reasonably respond to Plaintiffs' request for retraction, though they have indicated that a retraction will be published in the next edition of the newsletter.

53. The newsletter is published sporadically and without regularity, and by the time the following edition is released the damages sustained by Plaintiffs will already have been inflicted.

54. The publication of these remarks has already resulted in damage to Plaintiffs' reputations in the community and funeral and literary industries, both locally and nationally, and economic loss, including, but not limited to the following:

a. Loss of business due to mischaracterization of Plaintiffs' public stance on the issues involved;
b. Humiliation, mortification, and embarrassment, both individually and professionally;
c. Other damages that may arise during the course of discovery and the course of this trial.

COUNT IV
DEFAMATION PER SE
DEFENDANT LISA CARLSON, DEFENDANT FUNERAL ETHICS ORGANIZATION DEFENDANT FUNERAL CONSUMERS ALLIANCE AND DEFENDANT FUNERAL CONSUMERS ALLIANCE OF IDAHO

55. Plaintiffs incorporate by reference paragraphs 1-54 as if specifically restated herein.

56. At all times relevant to this action, Plaintiffs' are in the business of providing funeral and mortuary services in the State of Michigan.

57. Plaintiffs' are further in the business of writing, speaking and commenting on the state of the business of funeral services and related topics, and collectively serve on several national committees, boards, and organizations nationally.

58. The statements and allegations published as stated above accuse Plaintiffs of unethical and untrue positions on the topic of after-life care and funeral options.

59. The defamatory statements have a tendency to, and have, prejudiced Plaintiffs in the conduct of their business and deter others from dealing with Plaintiffs.

60. The statements Defendants made were not privileged.

61. The statements Defendants made were made with malice, negligence, and/or reckless disregard for their truth or falsity.

62. Plaintiff has demanded, and Defendant has failed and refused to issue a retraction.

63. As a direct and proximate cause of Defendants' wrongful conduct, Plaintiffs have suffered substantial economic injury, loss of goodwill, harm to their business reputation, loss of esteem and standing the community and industry, and loss of business opportunities.

64. The defamatory statements are actionable as defamation per se due to the damage to Plaintiffs business and their reputation in the funeral industry.

65. The publication of these remarks has resulted in damage to Plaintiffs' reputations in the community and funeral industry, both locally and nationally, and economic loss, including, but not limited to the following:

a. Loss of business due to mischaracterization of Plaintiffs' public stance on the issues involved;
b. Humiliation, mortification, and embarrassment, both individually and professionally;

c. Other damages that may arise during the course of discovery and the course of this trial.

PLAINTIFFS HEREBY REQUEST that his Honorable Court enter judgment in its favor and against Defendants as follows:

1. Order Defendants to publish a retraction to the same persons and in the same manner as the defamatory statements were published.

2. Order Defendants to be restrained from the consistent and continuous harassment of Thomas Lynch, his family, and his family business, Lynch & Sons Funeral Directors.

3. Order Preliminary and permanent injunctions against Defendant from utilizing Plaintiffs names or likeness in any and all future publications.

4. Award Plaintiff compensatory damages equal to the amount of losses it has sustained and will sustain.

5. Award Plaintiff exemplary damages and other and further relief that the court may deem appropriate.

6. Award Plaintiff the costs and attorney fees incurred in connection with this action.

Respectfully submitted,

SGROI LAW FIRM, PLC.

s/ David M. O'Hara
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Dated: September 12, 2008

JURY DEMAND

NOW COMES Plaintiffs Thomas Lynch and Lynch & Co. Funeral Directors, PLLC, by and through their attorneys, Sgroi Law Firm, PLC, and respectfully demand a trial by jury in the above-captioned matter.

Respectfully submitted,

SGROI LAW FIRM, PLC.

s/ David M. O'Hara
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Dated: September 12, 2008