

STATE OF MICHIGAN
IN THE 7TH JUDICIAL CIRCUIT COURT FOR GENESEE COUNTY

ERIC HAKEEM DEONTAYE MAYS,

Plaintiff,

v.

LAWRENCE E. MOON FUNERAL HOME,
INC. and LAWRENCE E. MOON HOME, INC.
collectively d/b/a “LAWRENCE E. MOON
FUNERAL HOME”, SHERMAN MAYS,
VERONICA SIMON, REGGIE MAYS, and
KEVIN MAYS,

Defendants.

No. 24-

HON.

**VERIFIED COMPLAINT FOR
EXPEDITED TEMPORARY
RESTRAINING ORDER**

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**VERIFIED COMPLAINT
FOR EXPEDITED TEMPORARY RESTRAINING ORDER**

Plaintiff ERIC HAKEEM DEONTAYE MAYS (“Plaintiff”), by and through their undersigned counsel, John A. Fernandez, Esq. of Lento Law Group, P.C., hereby file this Verified Complaint against Defendants LAWRENCE E. MOON FUNERAL HOME, INC. and LAWRENCE E. MOON HOME, INC. collectively doing business as “LAWRENCE E. FUNERAL HOME”, SHERMAN MAYS, VERONICA SIMON, REGGIE MAYS, and KEVIN MAYS, and in support thereof, avers as follows:

OTHER LITIGATION

1. There is no other pending or resolved civil action arising out of the transactions or occurrences alleged in this Verified Complaint.

CIRCUMSTANCES NECESSITATING EXPEDITED RELIEF

2. Plaintiff incorporates by reference the full recitation of the facts as articulated in the “Statement of Facts” section of Plaintiff’s Motion and Brief for Expedited Temporary Restraining Order, which is filed concurrently herewith.

VERIFICATION

3. Plaintiff, ERIC HAKEEM DEONTAYE MAYS’S Verification Affidavit is incorporated into this Verified Complaint and annexed hereto.

PARTIES, JURISDICTION, AND VENUE

4. At all times relevant herein, Plaintiff ERIC HAKEEM DEONTAYE MAYS, is an adult resident citizen of the City of Grand Rapids, County of Kent, and State of Michigan.

5. At all times relevant herein, Defendant LAWRENCE E. MOON FUNERAL HOME, INC., is a domestic for-profit corporation duly incorporated under the laws of the State of Michigan, (ID No. 800389002) with a registered office and principal place of business located at 906 W. Flint Park Blvd., Flint, Michigan 48505.

6. At all times relevant herein, Defendant LAWRENCE E. MOON FUNERAL HOME, INC., is a domestic for-profit corporation duly incorporated under the laws of the State of Michigan, (ID No. 800389002) with a registered office and principal place of business located at 906 W. Flint Park Blvd., Flint, Michigan 48505.

7. At all times relevant herein, Defendants LAWRENCE E. MOON FUNERAL HOME, INC. and LAWRENCE E. MOON FUNERAL HOME, INC. are entities which own, operate, oversee,

manage, and/or otherwise control, and do business as “LAWRENCE E. MOON FUNERAL HOME” (hereinafter “Moon Funeral Home”), a funeral home located at 906 W. Flint Park Blvd., Flint, Michigan 48505, and which operates pursuant to Michigan Funeral Establishment License Nos. 4502003676 and 4502003860, under the supervision and control of Funeral Director Lawrence E. Moon, Mortuary Science License No. 4501005582.

8. At all times relevant herein, Defendant SHERMAN MAYS, is an adult resident citizen of the City of Flint, County of Genesee, and State of Michigan, with an address for service of process believed to be 125 E. Russell Avenue, Flint, Michigan 48505.

9. At all times relevant herein, Defendant VERONICA SIMON, is an adult resident citizen of the City of Mount Morris, County of Genesee, and State of Michigan, with an address for service of process believed to be 1162 Camellia Drive, Mount Morris, Michigan 48458.

10. At all times relevant herein, Defendant REGGIE MAYS, is an adult resident citizen of the City of Flint, County of Genesee, and State of Michigan, with an address for service of process believed to be 5401 Mendel Berger Drive, Flint, Michigan 48505.

11. At all times relevant herein, Defendant KEVIN MAYS, is an adult resident citizen of the City of Flint, County of Genesee, and State of Michigan, with an address for service of process believed to be 3726 Norwood Drive, Flint, Michigan 48503.

12. The Court has jurisdiction of this action pursuant to the general subject matter jurisdiction provision of the Revised Judicate Act, MCL § 600.605.

13. Venue for this action lies in this Court in Genesee County under MCR 600.1621, because this is the Court in the County in which Defendants reside and transact business, and further, venue is also proper in this Court in Genesee County pursuant to MCR 600.1615.

14. Further, Plaintiffs seeks emergent injunctive relief by way of Motion filed concurrently herewith, pursuant to

RELEVANT LAW

A. MCL § 700.3206

15. In the State of Michigan, when an individual dies without having previously executed a Last Will & Testament whilst living – and therefore is said to have died *intestate* – in the absence of an Executor named under such a Will document, Michigan State statute is instructive as to who has legal authority with respect to the disposition of the Decedent’s remains.

16. To that end, namely, MCL § 700.3206(1) provides, in relevant part, as follows:

[A] funeral representative designated under subsection (2), a person with priority under subsections (3) to (5) or a person acting under subsection (6), (7), (8), or (9) is presumed to have the right and power to make decisions about funeral arrangements and the handling, disposition, or disinterment of a decedent’s body, including, but not limited to, decisions about cremation, and the right to retrieve from the funeral establishment and possess cremated remains of the decedent immediately after cremation. The handling, disposition, or disinterment of a body must be under the supervision of a person licensed to practice mortuary science in this state.

17. Subsection (2) of MCL § 700.3206, referenced above, relates to designations in writing by the Decedent whilst living, of an authorized funeral representative.

18. In the absence of such a written designation from the Decedent, MCL § 700.3206(3) controls, and provides in relevant part, as follows:

(3) The following have the rights and powers under subsection (1) in the following order of priority:

(a) If the decedent was a service member at the time of the decedent’s death, a person designated to direct the disposition of the service member’s remains according to a statute of the United States

or regulation, policy, directive, or instruction of the Department of Defense.

(b) A funeral representative designated under subsection (2).

(c) The surviving spouse.

(d) The individual or individuals 18 years of age or older in the following order of priority:

(i) The decedent's children.

(ii) The decedent's grandchildren.

(iii) The decedent's parents.

(iv) The decedent's grandparents.

(v) The decedent's siblings.

...

19. As MCL § 700.3206(3) makes clear, if the Decedent was not a service member (per Subsection (a)), did not have a written funeral representative designation (per Subsection (b)), and did not have a surviving spouse (per Subsection (c)), the next individuals with the rights and powers under MCL § 700.3206(1) who have priority are the decedent's children 18 years of age or older.

B. MCL § 339.1801, et seq.

20. Article 18 of the Michigan State Occupational Code, specifically codified at MCL § 339.1801, *et seq.*, regulates the practice of mortuary science, including, as it relates to the operations of funeral homes within the State.

21. Specifically prohibited under Article 18, specifically at MCL § 339.1810, are the following:

(i) Refusing to promptly surrender the custody of a dead human body, upon the express order of the person lawfully entitled to the custody.

...

(k) Obtaining possession of or embalming a dead human body without first being expressly directed or authorized to do so by a relative of the decedent or a person entitled to custody.

GENERAL FACTUAL ALLEGATIONS

22. Plaintiff, ERIC HAKEEN DEONTAYE MAYS, is the son of Eric B. Mays (hereinafter, “Councilman Mays” or the “Decedent”).
23. Eric B. Mays was a beloved Councilman within the City of Flint, Michigan, representing the City’s 1st Ward.
24. Tragically, Councilman Mays passed away, unexpectedly, on February 24, 2024, at his residence located at 125 E. Russell Avenue, Flint, Michigan 48505.
25. Councilman Mays is believed to have died intestate.
26. Upon information obtained by my office from a discussion which took place on March 1, 2024, between members of Plaintiff’s counsel’s law firm and Genesee County Senior Assistant Prosecutor, Brian MacMillan – and also as sworn to in an Affidavit provided by Investigator Amanda Rhoades from the Genesee County Medical Examiner’s Office, a true and correct copy of which is annexed hereto as **EXHIBIT “A”** – the events which transpired immediately after Councilman Mays’ death are as follows:
 - a. On February 24, 2024, Medical Examiner Investigator Amanda Rhoades responded to Councilman Mays’ home to conduct a death investigation.
 - b. As part of Investigator Rhoades’s investigation, she spoke with two individuals present at the scene who identified themselves as Councilman Mays’ siblings, specifically, his brother, Sherman Mays, and sister, Veronica Simon (née Mays).
 - c. Further, as part of her investigation, Investigator Rhoades attempted to ascertain the identity of the Decedent’s next-of-kin.

- d. To that end, Investigator Rhoades asked Sherman Mays and Veronica Simon if the Decedent was married.
- e. Both Sherman Mays and Veronica Simon told Investigator Rhoades that Councilman Mays was not married.
- f. Investigator Rhoades asked Sherman Mays and Veronica Simon if the Decedent had any children that were 18 years of age or older.
- g. Both Sherman Mays and Veronica Simon told Investigator Rhoades that Councilman Mays did not have any children that were 18 years of age or older.

27. The representation of Defendants Sherman Mays and Veronica Simon to Investigator Rhoades that Councilman Mays did not have any children that were 18 years of age or older is false, and was known by those said Defendants to be false at the time they made such representations to Investigator Rhoades.

28. In fact, Defendants Sherman Mays and Veronica Simon were both well aware of the existence of Plaintiff, Eric HaKeem Deontaye Mays; that he is, in fact, an adult; and that he is, in fact, Councilman Mays' child.

29. For the Court's edification, annexed hereto as **EXHIBIT "B"**, find a true and correct copy of Plaintiff's Birth Certificate which clearly identifies Eric Bradford Mays as the Plaintiff's father.

30. As attested to in the sworn Affidavit of Kieth Rumbold, Administrator of the Genesee County Medical Examiner's Office, a true and correct copy of which is annexed hereto as **EXHIBIT "C"**:

- a. After the Medical Examiner's Office concluded its examination of the Decedent's body, a representative of Lawrence E. Moon Funeral Home arrived at the Medical Examiner's Office to retrieve the body.

- b. The representative from Lawrence E. Moon Funeral Home presented a release form to Administrator Rumbold that indicates that the Decedent's remains were to be released to Lawrence E. Moon Funeral Home, said release being signed by Reggie Mays, whose relationship to the Decedent was indicated to be "Brother".

31. On or about February 28, 2024, after Plaintiff became aware of his father's passing, and that his father's body had been brought to Moon Funeral Home against Plaintiff's wishes, Plaintiff contracted with Plaintiff's counsel's office for representation to facilitate the transfer of the Decedent's body from Moon Funeral Home to the funeral home of Plaintiff's choice – that being Paradise Funeral Chapel, located at 3100 S. Washington Avenue, Saginaw, Michigan 48601.

32. On or about February 29, 2024, Plaintiff's Counsel sent correspondence to Moon Funeral Home, informing them of our representation of Plaintiff and of the fact that Plaintiff is the next-of-kin to Councilman Mays, as his adult son.

33. Included with that correspondence was an Authorization Regarding Funeral Arrangements, executed by Plaintiff, specifically directing Moon Funeral Home to release the Decedent's body to the Paradise Funeral Chapel.

34. Later that day, representatives from Plaintiff's counsel's office presented at Moon Funeral Home with copies of several documents executed by Plaintiff, including the Authorization that had been included with the aforementioned correspondence, as well as an "Authorization for Release and Embalming" from Paradise Funeral Chapel itself, specifically commanding the Decedent's body be released into their custody. *See*, a true and correct copy of Paradise Funeral Chapel's "Authorization for Release and Embalming" duly-executed via electronic docu-sign by Plaintiff, annexed hereto as **EXHIBIT "D"**.

35. Despite all of the foregoing, including that Moon Funeral Home has specifically been made aware that Plaintiff is the next-of-kin with decision-making authority pursuant to MCL § 700.3206(3)(d)(i), to date, Moon Funeral Home has refused to release Decedent's remains, depriving Plaintiff the ability to give his father the funeral arrangements he deserves, and further denying Plaintiff the closure he so desperately needs during this very difficult time.

36. On or about March 3, 2024, Plaintiff filed a Mortuary Science Complaint through the Licensing and Regulatory Affairs (LARA) online Complaint Portal against Moon Funeral Home and its Funeral Director Lawrence E. Moon, bearing Mortuary Complaint No. COMP-MORT-24-020016. A true and correct copy of this Complaint is annexed hereto as **EXHIBIT "E"**.

37. All of this could have been avoided but-for the fraudulent representations of Defendants Sherman Mays and Veronica Simon, and the complicity of Defendants Reginald Mays and Kevin Mays, who themselves both acted in furtherance of the conspiracy to deprive Plaintiff of the decision-making role with respect to the his father's funeral – a position of authority which is his, by right, under Michigan law, as Councilman Mays' adult son and next-of-kin.

38. As further evidence of the fraud, the Court should not a correspondence received on or about March 1, 2024, from an attorney named Loyst Fletcher, Jr., who purported to represent "two of the siblings" of Eric B. Mays, but did not identify which two siblings – although they are believed to be Defendants Sherman Mays and Veronica Simon.

39. In said correspondence, a true and correct copy of which is annexed hereto as **EXHIBIT "F"**, Attorney Fletcher indicates that, "I am advised that your client is not the biological son of Mr. Mays, and to their knowledge was never adopted."

40. This is, again, despite the fact that Plaintiff is, indeed, the biological son of the Decedent. *See, Ex. "B"*, Plaintiff's Birth Certificate clearly indicating the Decedent as his father.

41. The letter from attorney Fletch just illustrates the great lengths the Defendant siblings of the Decedent will go to perpetuate the great lie that they initiated with their falsehood to Investigator Rhoades that the Decedent had no adult children.

42. Upon information and belief, the motivation of Defendants Sherman Mays, Veronica Simon, Reginald Mays, and Kevin Mays (collectively the “Defendant Siblings”), for perpetrating such a fraud upon the County of Genesee, such that Plaintiff became intentionally kept out of his late father’s final affairs, appears to have been financial.

43. On or about February 27, 2024, a statement was released to social media by an individual named AK Cole, who was apparently serving as the mouthpiece for the Defendant Siblings online. *See*, a true and correct screen capture of the statement reproduced below:



AK COLE
32 minutes ago



The family has released a statement:

“On behalf of the family of Councilman Eric Mays: We have not and will not be accepting solicited donations through GoFundMe, CashApp, or any other like services via social media. Those that would like to contribute have contacted the proper family member(s) to do so, if you have a wish to do so, there is a proper channel to go through, which will not be provided publicly, but can be made through a direct sibling of Councilman Mays.

All memorial arrangements will also be announced by our family, and only our family, where at that time an address will be provided for flowers, resolutions, etc., to be sent.

Thank you all again for your prayers, condolences, and support during this difficult time.”

44. The statement, which was created and shared on social media with no input, prior knowledge, or approval, from Plaintiff begins with, “The family has released a statement”, and goes on to the state that “Those that would like to contribute” financially, are directed to contact “the proper family member(s)”, and specifically, “through a direct sibling of Councilman Mays.”

45. Further, the statement reads that, “All memorial arrangements will also be announced by our family, and only our family...”

46. These segments of the statement released by “the family”, i.e., the Defendant Siblings, illustrate their clear desire to isolate and ostracize Plaintiff from the decision-making process with respect to his father’s final arrangements, and further, benefit financially through Councilman Mays’s untimely passing.

47. To that end, and upon information and belief, the Defendant Siblings have, in fact, profited off their fraudulent conspiracy to usurp Plaintiff’s priority position of authority and decision-making power with respect to the disposition of his father’s remains, through a donation campaign they initiated purportedly in order to raise money for the very funeral services they had no authority to select in the first instance.

48. Specifically, consistent with the social media post reproduced above, upon information and belief, the Defendant Siblings have received numerous monetary donations in person, in connection with the passing of Councilman Mays.

49. Further evidence of the Defendant Siblings attempting to profit off of Councilman Mays’s death, however, is evidenced by the fact that Reggie Mays himself works as a Funeral Home Attendant for Moon Funeral Home – the very funeral home he, without any legal authority with which to do so, impelled the Genesee County Medical Examiner’s Office to release Councilman Mays’s body to without Plaintiff’s knowledge.

50. Finally, the Defendant Siblings, knowing Plaintiff is, in fact, the Decedent's son, even encouraged Plaintiff to inquire as to his father's life insurance policy and sign over a portion thereof to them.

COUNT I

NEGLIGENCE PER SE

(Violation of MCL § 339.1810(1)(i))

As to Defendants LAWRENCE E. MOON FUNERAL HOME, INC. and LAWRENCE E. MOON HOME, INC. collectively doing business as "LAWRENCE E. FUNERAL HOME"

51. Plaintiff realleges and incorporates by reference all preceding paragraphs herein as though set forth at length.

52. As stated earlier herein, Article 18 of the Michigan State Occupational Code, specifically codified at MCL § 339.1801, *et seq.*, regulates the practice of mortuary science, including, as it relates to the operations of funeral homes, within the State.

53. Specifically prohibited under Article 18, specifically at MCL § 339.1810(1)(i), is the following:

(i) Refusing to promptly surrender the custody of a dead human body, upon the express order of the person lawfully entitled to the custody.

...

54. As alleged earlier herein, Plaintiff, is the person, per MCL § 700.3206(3)(d)(i), lawfully entitled to custody of his father, the Decedent, Councilman Eric B. Mays's remains.

55. Despite being entitled to custody of the Decedent's remains, and despite informing Defendants LAWRENCE E. MOON FUNERAL HOME, INC. and LAWRENCE E. MOON HOME, INC. collectively doing business as "LAWRENCE E. FUNERAL HOME" (hereinafter, "Moon Funeral Home"), of such entitlement under the law as aforecited, said Defendants refused, and continue to refuse, to promptly surrender custody of Decedent's remains to Plaintiff.

56. As a funeral home operating within the State of Michigan pursuant to Michigan Funeral Establishment License Nos. 4502003676 and 4502003860, and under the supervision and control of Funeral Director Lawrence E. Moon, Mortuary Science License No. 4501005582, Moon Funeral Home is bound to abide by the provisions of Article 18 of the Michigan State Occupational Code regulating the practice of mortuary science, and specifically, as relevant herein, MCL § 339.1810(1)(i).

57. Even so, Moon Funeral Home breached its duty to abide by the provisions of MCL § 339.1810(1)(i) by engaging in precisely the conduct which said statute was intended to prevent, as aforesaid.

58. Further, Plaintiff, as next-of-kin to the Decedent and therefore the person lawfully entitled to custody of Decedent's remains, was precisely within the class of individuals which MCL § 339.1810(1)(i) was designed to protect.

59. Thus, the conduct of Moon Funeral Home, by and through its employees, agents, and/or workmen, was negligent *per se*, as in violation of MCL § 339.1810(1)(i).

60. As a direct and proximate result of this *per se* violation of MCL § 339.1810(1)(i), Plaintiff has been caused to sustain great and irreparable damages, and will continue to suffer such damages without Court intervention.

COUNT II

NEGLIGENCE PER SE

(Violation of MCL § 339.1810(1)(k))

As to Defendants LAWRENCE E. MOON FUNERAL HOME, INC. and LAWRENCE E. MOON HOME, INC. collectively doing business as "LAWRENCE E. FUNERAL HOME"

61. Plaintiff realleges and incorporates by reference all preceding paragraphs herein as though set forth at length.

62. As stated earlier herein, Article 18 of the Michigan State Occupational Code, specifically codified at MCL § 339.1801, *et seq.*, regulates the practice of mortuary science, including, as it relates to the operations of funeral homes, within the State.

63. Specifically prohibited under Article 18, specifically at MCL § 339.1810(1)(k), is the following:

(k) Obtaining possession of or embalming a dead human body without first being expressly directed or authorized to do so by a relative of the decedent or a person entitled to custody...

64. As alleged earlier herein, Plaintiff, is the person, per MCL § 700.3206(3)(d)(i), lawfully entitled to custody of his father, the Decedent, Councilman Eric B. Mays's remains.

65. At no time prior to obtaining possession of the Decedent's remains, did Defendants LAWRENCE E. MOON FUNERAL HOME, INC. and LAWRENCE E. MOON HOME, INC. collectively doing business as "LAWRENCE E. FUNERAL HOME" (hereinafter, "Moon Funeral Home"), ever seek, let alone obtain, Plaintiff's express direction or authorization to so obtain possession of the Decedent, or perform embalming services thereupon.

66. To the contrary, Plaintiff has expressly informed Moon Funeral Home that they are not authorized to possess the Decedent's remains or perform embalming services upon him.

67. As a funeral home operating within the State of Michigan pursuant to Michigan Funeral Establishment License Nos. 4502003676 and 4502003860, and under the supervision and control of Funeral Director Lawrence E. Moon, Mortuary Science License No. 4501005582, Moon Funeral Home is bound to abide by the provisions of Article 18 of the Michigan State Occupational Code regulating the practice of mortuary science, and specifically, as relevant herein, MCL § 339.1810(1)(k).

68. Even so, Moon Funeral Home breached its duty to abide by the provisions of MCL § 339.1810(1)(k) by engaging in precisely the conduct which said statute was intended to prevent, as aforesaid.

69. Further, Plaintiff, as next-of-kin to the Decedent and therefore the person lawfully entitled to custody of Decedent's remains, was precisely within the class of individuals which MCL § 339.1810(1)(k) was designed to protect.

70. Thus, the conduct of Moon Funeral Home, by and through its employees, agents, and/or workmen, was negligent *per se*, as in violation of MCL § 339.1810(1)(k).

71. As a direct and proximate result of this *per se* violation of MCL § 339.1810(1)(k), Plaintiff has been caused to sustain great and irreparable damages, and will continue to suffer such damages without Court intervention.

COUNT III

FRAUD, SILENT FRAUD, AND/OR FRAUDULENT CONCEALMENT As to Defendants SHERMAN MAYS, VERONICA SIMON, and REGGIE MAYS

72. Plaintiff realleges and incorporates by reference all preceding paragraphs herein as though set forth at length.

73. The elements of actionable fraud in the State of Michigan are as follows:

- (1) that defendant made a material representation;
- (2) that it was false;
- (3) that when he knew that it was false, or made it recklessly, without any knowledge of its truth and as a positive assertion;
- (4) that he made it with the intention that it should be acted upon by plaintiff;
- (5) that plaintiff acted in reliance upon it; and
- (6) that he suffered injury.

Titan Ins. Co. v. Hyten, 491 Mich. 547, 555 (2012).

74. Here, Defendants SHERMAN MAYS, VERONICA SIMON, and REGGIE MAYS, are all liable to Plaintiff for the tort of fraud.

75. Each Defendant named in this Count made a material representation, which was false, and which each said Defendant knew was false – or at the very least, made such statement recklessly, without any knowledge of its truth and as a positive assertion.

76. Specifically, Defendants Sherman Mays and Veronica Simon positively asserted to Genesee County Medical Examiner Investigator Amanda Rhoades – as she attests to in her sworn Affidavit (Ex. “A”) – that Decedent, Eric B. Mays, had no children over the age of 18.

77. This representation was material to the matter at hand as it is of direct consequence upon Plaintiff’s right to control the disposition of his father’s remains.

78. Further, this representation by Defendants Sherman Mays and Veronica Simon, was not only false – as evidenced by the fact that Plaintiff is, in fact, the Decedent’s adult son – but was known by said Defendants to be false – or at the very least, was made recklessly without regard to its veracity – at the time they made the statement.

79. Further, said Defendants made their false representations to Investigator Amanda Rhoades with the intention that Rhoades rely upon said false representations and act – which she then, in fact, did – to establish as part of her death investigation for the Genesee County Medical Examiner’s Office, the false belief that Councilman Mays had no adult children.

80. As a result of this fraudulent representation, Plaintiff suffered injury in that he was not permitted to exercise his right as next-of-kin to his late father, to control the disposition of his father’s remains.

81. Importantly, it should be noted that the elements of fraud in the State of Michigan, as cited above, require that *the Plaintiff* have been the defrauded party – in other words, that it was Plaintiff

who was the recipient of the false representation by the Defendants, that Plaintiff acted in reliance thereon, and that Plaintiff was damaged as a result.

82. However, it should also be noted that the Restatement Second of Torts § 435A, *Comment a.* specifically recognizes a cause of action where the defendant defrauds another for the purpose of causing pecuniary harm to a third person.

83. This principle has also been recognized within the Eastern District of Michigan and by the United States Supreme Court. *See, Gifford v. Meda*, 2010 U.S. Dist. LEXIS 45322 (E.D. Mich. 2010), and Bridge v. Phoenix Bond & Indem. Co., 553 U.S. 639, 656-57 (2008).

84. Relying on these principles, it is clear that Defendants Sherman Mays and Veronica Simon engaged in a scheme to deceive and defraud the Genesee County Medical Examiner's Office, ultimately for the purpose of causing harm, both pecuniary and otherwise, to a third person, the Plaintiff, and were successful in doing so.

85. Defendant Reggie Mays is similarly liable to the Plaintiff for the tort of fraud.

86. Specifically, Defendant Reggie Mays positively asserted to Genesee County Medical Examiner Administrator Kieth Rumbold – as he attests to in his sworn Affidavit (Ex. “C”) – that he had legal authority as Councilman Mays's brother to authorize the release of his body to Moon Funeral Home.

87. This representation was material to the matter at hand as it is of direct consequence upon Plaintiff's right to control the disposition of his father's remains.

88. Further, this representation by Defendant Reggie Mays, was not only false – as evidenced by the fact that Plaintiff is, in fact, the Decedent's adult son and therefore the individual with prior to control the disposition of his father's remains – but was known by said Defendant to be false –

or at the very least, was made recklessly without regard to its veracity – at the time he made the statement.

89. Further, Defendant Reggie Mays made his false representation to the Genesee County Medical Examiner’s Office with the intention that it, and namely, Administrator Rumbold, rely upon said false representation and act – which he then, in fact, did – to release the Decedent’s remains, under Defendant Reggie Mays’s false authority, to Moon Funeral Home.

90. As a result of this fraudulent representation, Plaintiff suffered injury in that he was not permitted to exercise his right as next-of-kin to his late father, to control the disposition of his father’s remains.

91. While Defendants Sherman Mays, Veronica Simon, and Reggie Mays all affirmatively made false representations of fact with the intent that the Genesee County Medical Examiner’s Office act in reliance thereon, ultimately to Plaintiff’s detriment, and thereby commit actionable fraud, alternatively, these Defendants commit silent fraud and/or fraudulent concealment, in that they suppressed the material fact that Plaintiff is, in fact, Councilman Mays’s adult son.

92. “Establishing ‘silent fraud’ requires more than proving that [an individual] was aware of and failed to disclose a [material fact], instead, a plaintiff must show some type of representation by words or actions that was false or misleading and was intended to deceive.” Roberts v. Saffell, 280 Mich. App. 397, 404 (2008), *aff’d* 483 Mich. 1089 (2009).

93. As the foregoing makes clear, Defendants Sherman Mays, Veronica Simon, and Reggie Mays, each made exactly those types of representations by words (as in the case of Defendants Sherman Mays and Veronica Simon by lying to Investigator Rhoades) and by action (as in the case of Defendant Reggie Mays by falsely authorizing the release of Decedent’s body), despite their falsity, and with the intent to deceive.

94. As a direct and proximate result of the fraud, silent fraud, and/or fraudulent concealment of all Defendants named in this Count, Plaintiff has been caused to sustain great and irreparable damages, and will continue to suffer such damages without Court intervention.

COUNT IV

CIVIL CONSPIRACY

**As to Defendants SHERMAN MAYS, VERONICA SIMON,
REGGIE MAYS, KEVIN MAYS, and LAWRENCE E. MOON FUNERAL HOME, INC.
and LAWRENCE E. MOON HOME, INC. collectively doing business as
“LAWRENCE E. FUNERAL HOME”**

95. Plaintiff realleges and incorporates by reference all preceding paragraphs herein as though set forth at length.

96. The essential elements of a claim for civil conspiracy are:

- (1) A concerted action
- (2) By a combination of two or more persons
- (3) To accomplish an unlawful purpose
- (4) Or a lawful purpose by unlawful means

Admiral Ins. Co. v. Columbia Casualty Ins. Co., 194 Mich. App.
300, 313 (1992).

97. As the foregoing facts establish, Defendants Sherman Mays and Veronica Simon acted in concert to accomplish the unlawful purpose of defrauding the Genesee County Medical Examiner’s Office into fooling it into believing that the Decedent had no adult living children, ultimately, to Plaintiff’s detriment – an unlawful purpose which said Defendants did, in fact, accomplish.

98. Further, the facts establish that Defendant Reggie Mays then acted in further concert with Defendants Sherman Mays and Veronica Simon to accomplish the unlawful purpose of once again defrauding the Genesee County Medical Examiner’s Office into believing that Reggie Mays was had legal authority and/or was authorized to request the release of the Decedent’s body to Moon

Funeral Home, when in fact, he had no such legal power or authority – again, an unlawful purpose which said Defendants did, in fact, accomplish.

99. Further, and upon information and belief, Defendant Kevin Mays then acted in further concert with Defendants Sherman Mays, Veronica Simon, and Reggie Mays, by perpetuating the falsehood – both to Moon Funeral Home and publicly – started by Sherman and Veronica, that the Decedent had no adult children, despite knowing of Plaintiff’s existence, age, and parentage – again, an unlawful purpose which said Defendants did, in fact, accomplish.

100. These acts, and others, of the Defendants named in this Count served only to create, further, propagate, and maintain, a conspiracy to establish amongst the Genesee County Medical Examiner’s Office, Moon Funeral Home, the City of Flint, and the public at large, that the Decedent had no adult children – a falsehood that would deny, and has denied, Plaintiff his right under Michigan law as aforesaid, to control the disposition of his father’s remains.

101. Similarly, Moon Funeral Home has participated in, and acted in furtherance of this conspiracy, by its continued refusal to release the Decedent’s body to Plaintiff’s funeral home of choice, despite have received written instruction to do so from Plaintiff’s counsel, as well as signed Authorizations, executed by the Plaintiff (**Ex. “D”**) commanding Moon Funeral Home to do so.

102. As a direct and proximate result of this conspiracy of all Defendants named in this Count, Plaintiff has been caused to sustain great and irreparable damages, and will continue to suffer such damages without Court intervention.

COUNT V

UNJUST ENRICHMENT & DISGORGEMENT
As to Defendants SHERMAN MAYS, VERONICA SIMON,
REGGIE MAYS, KEVIN MAYS

103. Plaintiff realleges and incorporates by reference all preceding paragraphs herein as though set forth at length.

104. All Defendants named in this Count have, upon information and belief, been unjustly enriched at Plaintiff's expense.

105. As articulated more fully previously herein, the Defendants named in this Count engaged in a conspiracy to usurp Plaintiff's position of power and authority as legal next-of-kin to the Decedent, so as to unjustly and illegally control the Decedent's funeral and burial arrangements.

106. In connection with this scheme to defraud the public into believing that they had the legal right to control the disposition of the Decedent's remains, the Defendant Siblings initiated a public donation campaign for those individuals seeking to make a monetary donation in the Decedent's memory, purportedly for use in connection with the Decedent's funeral costs – services which, again, Plaintiff had no part in planning and did not consent to nor authorize.

107. Upon information and belief, the Defendants have taken in a significant number of monetary donations under the false premise that they were the legal next-of-kin to the Decedent with the right and power to control the disposition of the Decedent's remains.

108. As the actual individual with such right and power, as Decedent's only child, his adult son, and therefore the sole person under MCL § 700.3206 entitled to control the disposition of this father's remains, the Defendant Sibling's ill-gotten gains should rightfully have been donated to Plaintiff instead, and would have been but-for the Defendant Sibling's misinformation campaign.

109. Given the foregoing, the Defendant Siblings have been unjustly enriched to Plaintiff's detriment, and should therefore be disgorged of their ill-gotten gains.

PRAYER FOR RELIEF

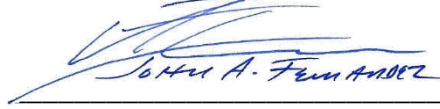
WHEREFORE, Plaintiff, ERIC HAKEEM DEONTAYE MAYS, demands judgment against the Defendants, LAWRENCE E. MOON FUNERAL HOME, INC. and LAWRENCE E. MOON HOME, INC. collectively doing business as "LAWRENCE E. FUNERAL HOME", SHERMAN MAYS, VERONICA SIMON, REGGIE MAYS, KEVIN MAYS, and COUNTY OF GENESEE, by and through the GENESEE COUNTY MEDICAL EXAMINER, for the following:

- 1) An Order enjoining Defendants LAWRENCE E. MOON FUNERAL HOME, INC. and LAWRENCE E. MOON HOME, INC. collectively doing business as "LAWRENCE E. FUNERAL HOME" from proceeding with any funeral plans or arrangements planned by anyone other than Plaintiff, including, but not limited to Defendants SHERMAN MAYS, VERONICA SIMON, REGGIE MAYS, and KEVIN MAYS;
- 2) An Order compelling Defendants LAWRENCE E. MOON FUNERAL HOME, INC. and LAWRENCE E. MOON HOME, INC. collectively doing business as "LAWRENCE E. FUNERAL HOME" to release the Decedent's body to the funeral home of Plaintiff's choice;
- 3) For judgement against the Defendants jointly, severally, and alternatively, for general, compensatory, punitive, and exemplary damages, with interest;
- 4) Disgorgement of the Defendant Siblings' ill-gotten gains pursuant to Count V;
- 5) Reasonable attorney's fees and costs of suit;
- 6) For such other further relief as the Court may deem equitable and just.
- 7) Awarding actual attorneys' fees and costs of litigation to Plaintiffs, and

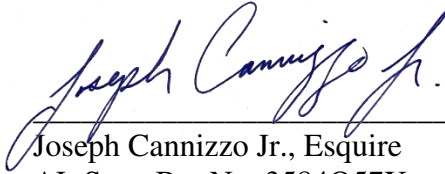
8) Order such other appropriate relief as the interests of justice may require.

Respectfully Submitted,

Date: March 3, 2024



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Attorney for Plaintiff

VERIFICATION

I declare that the statements contained in the within Verified Complaint are true to the best of my information, knowledge, and belief.

Date: _____

ERIC HAKEEM DEONTAYE MAYS