

**IN THE CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE**

**LISA MARIE WARD and** )  
**TODD DOUGLAS WARD,** )  
 )  
**Plaintiffs,** )  
 )  
**v.** )  
 )  
**VANDERBILT UNIVERSITY MEDICAL** )  
**CENTER d/b/a MONROE CARELL, JR.** )  
**CHILDREN’S HOSPITAL,** )  
 )  
**Defendant.** )

**COMPLAINT**

Plaintiffs Lisa Marie Ward and Todd Douglas Ward bring this action against Defendant Vanderbilt University Medical Center for negligent or intentional infliction of emotional distress and interference with dead bodies, and they allege the following facts in support of their claims:

1. Lisa Ward and Todd Ward (“Plaintiffs”) are a married couple who reside at 5433 Highway 76E in Springfield, Tennessee 37172. They are the surviving parents of Matthew Paul Ward who died on October 1, 2020 at the age of 11.

2. Vanderbilt University Medical Center (“Vanderbilt”) does business as Monroe Carell, Jr. Children’s Hospital at 2200 Children’s Way, Nashville, Tennessee 37232. Vanderbilt’s registered agent is National Registered Agents, Inc., 300 Montvue Road, Knoxville, Tennessee 37919-5546.

3. This cause of action accrued in Davidson County. Therefore, jurisdiction and venue are proper in this Court.

4. Matthew was an African American boy who was adopted by Plaintiffs. He was born with complex medical issues and was a regular patient at Vanderbilt.

6. On September 26, 2020, Matthew was brought to Vanderbilt by ambulance. He was admitted to the hospital for treatment.

7. Over the ensuing days, Matthew's condition deteriorated, and he had to be transferred to the ICU.

8. On September 30, 2020 at approximately 8:30 p.m., a Rapid Response call was made for Matthew. Mrs. Ward left the room and went in the hallway once staff arrived to prepare for intubation. When she left the room to stand in the hallway, Matthew had no injuries to his body.

10. Dr Wendorf, the ICU physician, rushed out into the hallway and said, "Matthew is going to need surgery. Did you see his injuries?" Mrs. Ward walked back into the room and saw the injuries on Matthew's groin, which concerned her because there appeared to be flesh coming out. No one could explain to Mrs. Ward what caused the injuries.

11. On October 1, 2020, Matthew died in the Intensive Care Unit at Vanderbilt. Mrs. Ward was told Matthew died from sepsis which was a blood infection caused by pseudomonas. There was no autopsy.

12. Plaintiffs decided to cremate Matthew's body. They hired Robertson County Funeral Home ("the Funeral Home") to pick up Matthew's body at Vanderbilt and then have it cremated. Mrs. Ward notified Vanderbilt that the Funeral Home would pick up Matthew's body. The Funeral Home retained Music City Crematory Service ("the Crematory Service") to pick up Matthew's body from Vanderbilt and handle cremation.

13. On October 2, 2020, the Crematory Service went to Vanderbilt to pick up Matthew's body. When the Crematory Service arrived, Vanderbilt's staff produced a body for transfer which was represented to be the corpse of Matthew Paul Ward. The body was loaded and transferred to the Crematory bearing identification with Matthew's name.

14. Vanderbilt's staff who were involved in handling Matthew's corpse until it was transferred to the Crematory were employees acting in the course and scope of their employment with Vanderbilt.

15. Meanwhile, Mrs. Ward was shocked her son had died so quickly at Vanderbilt. She could not understand why there were injuries on Matthew's groin and wondered whether it had contributed to his untimely death. Consequently, she contacted the Funeral Home and asked them to photograph Matthew's groin before he was cremated. She wanted to preserve evidence of the injuries in the event she chose to hire an attorney to investigate. The

Funeral Home passed on Mrs. Ward's request for photographs to the Crematory.

16. On October 3, 2020, the Crematory Service took photographs of the corpse as instructed by Mrs. Ward. The photographs were emailed to the Funeral Home. Mrs. Ward asked the Funeral Home to hold the photographs because she was in no condition to view them at that time. Later that day, the body was cremated.

17. On October 5, 2020, the Crematory Service brought the ashen remains to the Funeral Home in Springfield. The ashen remains were placed in an urn. Plaintiffs believed the urn contained the ashen remains of Matthew.

18. That same day, Mrs. Ward picked up Matthew's death certificate which listed his race as "White." This was an error because Matthew was African American, and no one could explain it. She was informed it would take months before the error could be fixed due to COVID-19.

19. On November 20, 2020, Mrs. Ward contacted the Funeral Home and asked for the photographs of the corpse so she could view them. The disturbing memory of the groin injury and Matthew's sudden death at Vanderbilt gnawed at her, therefore, she wanted an investigation. The Funeral Home sent the photographs.

20. One photograph depicts the buttocks and legs of what appears to be a male baby or toddler, and he is white. Another photograph shows the

groin, genitals, and legs of a male baby or toddler, and the boy is white. Another photograph depicts Vanderbilt's ID card which accompanied the corpse. Vanderbilt's ID card lists Matthew's name, date of birth, gender, his ICU physician (Dr. Wendorf), bar code, MRN:036993509 and CSN:1970193550439.

21. Mrs. Ward confirmed with the Crematory and Funeral Home that those photographs were genuine, and that the corpse which was cremated and sent to Mrs. Ward had indeed been obtained from Vanderbilt on October 2, 2020.

22. The race of the child in those photographs happens to match the race listed in Matthew's erroneous death certificate.

23. Plaintiffs are devastated and appalled. They don't know what happened to Matthew's body and don't know the identity of the ashen remains in Matthew's urn.

24. Vanderbilt's staff admitted to Mrs. Ward and the media that the child depicted in those photographs is not Matthew Paul Ward, yet Vanderbilt refuses to accept any responsibility for mishandling Matthew's dead body.

**CLAIM I – § 868 INTERFERENCE WITH DEAD BODIES**

25. The right to the possession of the body of Matthew Paul Ward for the purposes of decent burial was vested in Plaintiffs. Plaintiffs had the legal right to dispose of Matthew's remains without interference in the manner of their choice.

26. Vanderbilt owed Plaintiffs a duty to handle the body of Matthew Paul Ward reasonably and with appropriate care and dignity so that it could be transferred to the Crematory for disposition. Vanderbilt knew that Plaintiffs wanted Matthew's body transferred to the Crematory.

27. Vanderbilt breached the duty by failing to transfer the body to the Crematory. Vanderbilt interfered with the Plaintiff's right to dispose of Matthew's body.

28. Vanderbilt's failure to transfer Matthew's body to the Crematory caused the wrong body to be transferred, cremated, and then placed in Matthew's urn.

29. Plaintiffs have suffered mental and physical distress, pain, and anguish finding out that the remains of the wrong body are contained inside Matthew's urn. This was foreseeable.

30. This is continuing injury. Plaintiffs worry about what has happened to Matthew's body, where it is located, and who has it. Furthermore, Plaintiffs worry about identity of the child whose remains are contained inside Matthew's urn, what happened to that child, where his parents are located.

**CLAIM II – INTENTIONAL INFLECTION OF EMOTIONAL  
DISTRESS**

31. Plaintiffs re-allege and incorporate herein, as if set forth in full, each and every allegation contained in the preceding paragraphs and further allege:

32. Vanderbilt's misconduct was reckless. It is so outrageous that it is not tolerated by civilized society.

33. Vanderbilt's reckless misconduct caused Plaintiffs to suffer serious mental injuries and emotional distress that no reasonable person could be expected to endure or adequately cope with. This injury was foreseeable.

34. Vanderbilt consciously disregarded a substantial risk of injury by transferring the wrong body for disposition. Plaintiffs are entitled to punitive damages from Vanderbilt in such amount as shall be necessary and appropriate to punish them and to deter anyone else from ever committing similar indecencies upon human remains.

**CLAIM III – NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS  
SUFFERED BY LISA MARIE WARD**

35. Plaintiffs re-allege and incorporate herein, as if set forth in full, each and every allegation contained in the preceding paragraphs and further allege:

36. Vanderbilt owed a duty to Mrs. Ward to act with the ordinary and reasonable care in all aspects of handling Matthew's dead body for the purposes of transferring it for a decent burial.

37. Vanderbilt negligently and carelessly failed to discharge this duty.

38. Vanderbilt's negligence caused Mrs. Ward to suffer serious and severe mental injuries and emotional distress that no reasonable person could be expected to endure or adequately cope with. This injury was foreseeable.

39. Mrs. Ward has experienced physiological manifestations of emotional distress.

40. Mrs. Ward has experienced psychological manifestations of emotional distress, including but not limited to sleeplessness, depression, anxiety, crying spells or emotional outbursts, nightmares, and unpleasant mental reactions such as fright, horror, grief, anger, disappointment, and worry. She feels tortured at night.

41. Mrs. Ward has sought treatment and was diagnosed with a medical or psychiatric disorder such as post-traumatic stress disorder, and clinical depression. She takes medication for this. She has experienced significant impairment in her daily functioning.

WHEREFORE, Plaintiffs seek \$5,000,000 in compensatory damages and \$5,000,000 in punitive damages.



**THE KELLY FIRM**

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**DISCOVERY SERVED WITH COMPLAINT**