



1 Harris, Leslie Koester, Joyce Sanches, Ethel Kimmons, Joanne K.  
2 Hemme, Jean Butts, Francis Matthews Henry, John McHugh, Susan  
3 McHugh, Heather Keithley, Sue McKnight, Amy McKnight, Phyllis  
4 Eckerson, James Nelson, Chris Philips, Helen Ruth Pradarits, Robin  
5 Ann Pradarits, Ruthelyn Mikeska, Mary-Beth Aleshire, Melanie Jaye  
6 Russell, Patricia Aden, Pamela Sturiano, Joseph Pradarits, Keith  
7 Pradarits, Hilda Rodefelf, Sherri Sonntag-Rodefelf, Louis Shields,  
8 Sandra Clemons, David Stutzman, Joe Stutzman, Linda DeLeon, Tyra  
9 Yesh Ochoa, and Marie Yates Taylor allege that:

10 (1) The University of Texas Medical Branch at Galveston  
11 administered a Willed Body Program that was overseen by the  
12 Anatomical Board of the State of Texas;

13 (2) an individual may will his or her own body to be used by  
14 medical students and scientific researchers for the advancement of  
15 medical science as provided by Subsection (a), Section 691.028,  
16 Health and Safety Code;

17 (3) according to applicable rules, after a body that has  
18 been willed or donated to The University of Texas Medical Branch at  
19 Galveston is used for medical science, the cremated remains of that  
20 body must be returned to a designated family member, if return of  
21 the remains was requested in advance, as provided by 25 T.A.C.  
22 Section 479.4;

23 (4) the individuals named in this resolution are family  
24 members of individuals whose remains were willed to The University  
25 of Texas Medical Branch at Galveston's Willed Body Program;

26 (5) in the spring of 2002, The University of Texas Medical  
27 Branch at Galveston learned that one or more of its employees

1 mishandled bodies willed or donated to The University of Texas  
2 Medical Branch at Galveston and commingled the ashes of bodies,  
3 making it impossible to determine which ashes should be returned to  
4 designated family members;

5 (6) in addition, one or more employees of The University of  
6 Texas Medical Branch at Galveston's Willed Body Program transferred  
7 or sold willed or donated bodies or parts of bodies to out-of-state  
8 recipients and failed to request that the recipients or buyers of  
9 the bodies return the ashes to The University of Texas Medical  
10 Branch at Galveston for return to the families who had requested  
11 their loved ones' ashes;

12 (7) The University of Texas Medical Branch at Galveston  
13 admitted that its "failure of oversight . . . caused pain to the  
14 relatives of those to whom [it] owe[s] such a special debt of  
15 gratitude" and that The University of Texas Medical Branch at  
16 Galveston may have compromised the trust of the families of those  
17 who donated their bodies to The University of Texas Medical Branch  
18 at Galveston's Willed Body Program;

19 (8) the individuals named in this resolution and their  
20 families have been greatly distressed and anguished by The  
21 University of Texas Medical Branch at Galveston's failure to return  
22 the ashes of their family members who willed or donated bodies to  
23 The University of Texas Medical Branch at Galveston's Willed Body  
24 Program and are entitled to recover damages; and

25 (9) the individuals named in this resolution have filed  
26 several lawsuits against The University of Texas Medical Branch at  
27 Galveston and the Anatomical Board of the State of Texas regarding

1 the Willed Body Program, but all claims against The University of  
2 Texas Medical Branch at Galveston, the Anatomical Board of the  
3 State of Texas, and other entities or employees of the State of  
4 Texas have been or likely will be dismissed on grounds that the  
5 State of Texas and agencies of the State of Texas enjoy sovereign  
6 immunity from these claims; now, therefore, be it

7       RESOLVED by the Legislature of the State of Texas, That  
8 Annabelle Whiting, John Whiting, Erica De La Garza, Victoria  
9 Cruz, Margaret Whiting, Joan Breezy Speer, Harriet Whitworth,  
10 Patricia Harrison, Michael Murphy, Joe Noah, Susan Newman, Samuel  
11 Whitworth, Barbara Erwin, Sidney Brown, Veronica Lopez, Irma Young,  
12 Helen Robinson, Robert Thomas, Ruth Ahmed, Johnna J. Higginbotham,  
13 Ted Breezy, Kathleen Hagan, Theresa Carrig, Robert Bland, Michael  
14 Robert Bland, Patrick Boux Bland, Robert Dallas Bland, Mary  
15 Hargraves, Debbie Zambardino, Richard Billescas, John and  
16 Priscilla Ogden, Thomas K. Erwin, Joann L. Cooper, Paul Hargrave,  
17 Charles H. McBride, Belia V. Zamora, Yolanda B. Garcia, Billy G.  
18 Odom, Tamara L. Odom, B. Alan Odom, Lisa Odom, David P. Odom, Sandra  
19 Kohlenberg, Tana Everett, Jack W. Pryor, Jr., Tina Vaughn, Kevin  
20 Tippie, Gary B. Black, Elvia A. Sykes, LeAnna Lankford, Emile Erwin  
21 Herbert, Henry Blake Erwin, Kathy McCaslin, Mike McBride, Cathy  
22 Taylor, Barbara Barker Barnes, Tricia Deland, James Saylor, Tim  
23 Kennedy, Catherine Lee, Diana Hodges, Hayden Hodges, Alden Hodges,  
24 Carolyn J. Wallace, Leslie Diane Hogan, David W. Hogan, Donald A.  
25 Hogan, Clifford E. Hogan, Joel Alston, Pamela Bean, Jill Scoggins,  
26 Michael Brockway, Emory Brockway, Betty Brown, Lori Kubek, Richard  
27 Kubek, Leroy Cady, Gene Cady, Wallace Cady, Christopher Chatelain,

1 Davette Pickard, H. Dean Clark, Yola Clark, Willia Jayne Clark,  
2 Cherri Pellerin, Myra C. Goodman, William Greer, Susan Boatright,  
3 Shawn Melton, Tracy Andrew, Martha A. Harris, Leslie Koester, Joyce  
4 Sanches, Ethel Kimmons, Joanne K. Hemme, Jean Butts, Francis  
5 Matthews Henry, John McHugh, Susan McHugh, Heather Keithley, Sue  
6 McKnight, Amy McKnight, Phyllis Eckerson, James Nelson, Chris  
7 Philips, Helen Ruth Pradarits, Robin Ann Pradarits, Ruthelyn  
8 Mikeska, Mary-Beth Aleshire, Melanie Jaye Russell, Patricia Aden,  
9 Pamela Sturiano, Joseph Pradarits, Keith Pradarits, Hilda  
10 Rodefeld, Sherri Sonntag-Rodefeld, Louis Shields, Sandra Clemons,  
11 David Stutzman, Joe Stutzman, Linda DeLeon, Tyra Yesh Ochoa, and  
12 Marie Yates Taylor are granted permission to sue the State of Texas,  
13 The University of Texas Medical Branch at Galveston, and the  
14 Anatomical Board of the State of Texas for any and all causes of  
15 action, including breach of contract, that relate to or arise from  
16 the facts and circumstances described in this resolution, subject  
17 to Chapter 107, Civil Practice and Remedies Code; and, be it further  
18         RESOLVED, That the aggregate of all amounts awarded in the  
19 suits authorized by this resolution, including damages, court  
20 costs, attorney's fees, and prejudgment interest awarded under law,  
21 may not exceed \$1 million, the plaintiffs may not plead relief in  
22 excess of that amount in a suit authorized by this resolution, and  
23 this is the total aggregate amount that may be recovered by the  
24 persons named in this resolution with respect to any and all causes  
25 of action, including breach of contract, that relate to or arise  
26 from the facts and circumstances described in this resolution; and,  
27 be it further

1           RESOLVED, That the payment of any amount awarded in a suit  
2 authorized by this resolution is contingent on appropriations for  
3 that purpose; and, be it further

4           RESOLVED, That the president of The University of Texas  
5 Medical Branch at Galveston and the chairman of the Anatomical  
6 Board of the State of Texas be served process as provided by  
7 Subdivision (3), Subsection (a), Section 107.002, Civil Practice  
8 and Remedies Code.