

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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 JOHN R. LUCKER, ELIZABETH A. :
 LUCKER, NANCY L. ROUSSEAU, :
 Individually and On Behalf of All Others :
 Similarly Situated, :
 Plaintiffs, : No. 07 Civ. 3823 (RJD) (JMA)
 -against- :
 BAYSIDE CEMETERY and :
 CONGREGATION SHAARE ZEDEK, :
 Defendants. :

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 LYNN COHEN Individually and On :
 Behalf of All Others Similarly Situated, :
 Plaintiff, : No. 08 Civ. 3555 (RJD) (JMA)
 -against- :
 BAYSIDE CEMETERY and :
 CONGREGATION SHAARE ZEDEK, :
 Defendants. :

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 FRAN GOLDSTEIN, Individually and On :
 Behalf of All Others Similarly Situated, :
 Plaintiff, : No. 08 Civ. 3923 (RJD) (JMA)
 -against- :
 BAYSIDE CEMETERY and :
 CONGREGATION SHAARE ZEDEK, :
 Defendants. :
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**DECLARATION OF LESLIE A. FRANCISCO,
CFSP, BCBT, BCETS, FAAETS**

I, Leslie A. Francisco, hereby declare as follows:

1. I have been a licensed Funeral Director in the State of New York since 1977. I am a Certified Funeral Service Practitioner, Board Certified in Bereavement Trauma, Board Certified Expert in Traumatic Stress, Fellow American Academy of Expert in Traumatic Stress. I am also an owner of Francisco Funeral Homes, Inc., located at 102-17 101st Avenue, Ozone Park, New York which was established in 1968. We are a full service, non-denominational, independently owned and operated funeral home, offering at need funerals, cremations and pre-arranged funerals throughout the City of New York, Nassau, Suffolk and Westchester Counties, including service as a primary volunteer reintering desecrated remains in mausoleums at Bayside Cemetery. *See The Jewish Week, Mausoleum Recovery Underway* dated June 6, 2003. I have extensive experience in the field of bereavement and am a published author and speaker. I have worked with the New York State Funeral Directors Association, the Metropolitan Funeral Directors Association and DMORT on many of the local disasters including TWA Flight 800, Egypt Air Flight 990, and the World Trade Center Disaster of 9/11/01.

2. Over the past five years, my husband and I, among others, have provided reinterment of desecrated remains in mausoleums at Bayside Cemetery on a strictly volunteer basis. Working with other area funeral homes and Jewish organizations, I have also helped arrange for a volunteer Rabbi to supervise the reinterment of desecrated remains at Bayside Cemetery consistent with Jewish law. This has been required because

the Rabbis at Congregation Shaare Zedek have refused to provide their rabbinic presence and religious oversight.

3. In early December of 2008, I received a phone call from Congregation Shaare Zedek. It is recollection that the woman's first name was Anne. During this conversation, I was informed that in the prior month there had been additional vandalism at Bayside Cemetery. Some of the mausoleums were invaded and remains were ripped from their resting place and strewn upon mausoleum floors. This was precisely the type of problem that I and others addressed in 2003. During this December, 2008 phone call, Congregation Shaare Zedek requested that I and others return to the cemetery to reinterr these disturbed remains on a volunteer basis.

4. Congregation Shaare Zedek was seeking for the funeral directors to, once again, lead the interment of the desecrated remains and also to arrange for rabbinical supervision. After conferring with other local funeral directors, we decided to not provide assistance at this time because we believe that it is Congregation Shaare Zedek's responsibility as the owner of the cemetery. My concern is that until they are forced to take responsibility for this type of crisis management, they will not do so. To the best of my knowledge, these desecrated remains have not been timely reinterred.

5. Out of concern for the remains and given the cemetery's close proximity to my work place, I visited Bayside Cemetery in early December, 2008. Upon my arrival, I went to the Cemetery Office and was greeted by Mr. Bob Martorano who is the head caretaker at Bayside Cemetery. When I entered the Cemetery Office I noticed that it was quite different than in the past. There were approximately 3-4 brown cardboard storage boxes on the floor. During my conversation with Mr. Martorano, I inquired about

the boxes. Mr. Martorano told me that the boxes contained hard copy documents that were recently transported from Congregation Shaare Zedek on the Upper West Side of New York to Bayside Cemetery. Mr. Martorano further informed me that he had looked at some of the documents and that they were Congregation Shaare Zedek business records including documents concerning repair to the synagogue roof. Mr. Martorano shared with me instructions that he received from Congregation Shaare Zedek to destroy the papers. Cognizant of this lawsuit, I informed him that these types of documents should not be destroyed.

6. I recently received a litigation update email from John Lucker two days ago which prompted me to contact him and share this experience. After receiving the e-mail, Mr. Lucker placed me in contact with Plaintiffs' counsel in this case who provided his assistance in the preparation of this declaration. I have provided this information on a good Samaritan basis and am available to discuss this matter further with either the Court or any law enforcement agency.

This declaration has been executed on the 28th day of December, 2008 under penalties of perjury pursuant to the laws of the United States.



Leslie A. Francisco