

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
 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. :

-----X
 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. :

-----X
 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. :
 -----X

DECLARATION OF RALPH FRANCISCO

I, Ralph Francisco, hereby declare as follows:

1. I am a licensed Funeral Director in the State of New York since 1964. 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.

2. On December 28, 2008, my wife and I visited Bayside Cemetery. During my visit, I saw approximately three of the brown cardboard boxes referenced in my wife's Declaration. My wife's Declaration indicates the boxes were in the Cemetery Office during her visit, yet the boxes now appear, once again, to have been moved to the workshop which is a less conspicuous area. Contrary to Mr. Martorano's statements to my wife during her last visit to the cemetery concerning these boxes and their contents which are recorded in her Declaration, today Mr. Martorano denied the existence of the boxes and refused to further discuss this matter. He told me that he was fearful that he might lose his job and would not offer any other assistance.

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


Ralph Francisco