

By: Wentworth, et al.

S.C.R. No. 14

CONCURRENT RESOLUTION

1           WHEREAS, Annabelle Whiting, John Whiting, Erica De La  
2 Garza, Victoria Cruz, Margaret Whiting, Joan Breezy Speer,  
3 Harriet Whitworth, Patricia Harrison, Michael Murphy, Joe Noah,  
4 Susan Newman, Samuel Whitworth, Barbara Erwin, Sidney Brown,  
5 Veronica Lopez, Irma Young, Helen Robinson, Robert Thomas, Ruth  
6 Ahmed, Johnna J. Higginbotham, Ted Breezy, Kathleen Hagan, Theresa  
7 Carrig, Robert Bland, Michael Robert Bland, Patrick Boux Bland,  
8 Robert Dallas Bland, Mary Hargraves, Debbie Zambardino, Richard  
9 Billescas, John and Priscilla Ogden, Thomas K. Erwin, Joann L.  
10 Cooper, Paul Hargrave, Charles H. McBride, Belia V. Zamora, Yolanda  
11 B. Garcia, Billy G. Odom, Tamara L. Odom, B. Alan Odom, Lisa Odom,  
12 David P. Odom, Sandra Kohlenberg, Tana Everett, Jack W. Pryor, Jr.,  
13 Tina Vaughn, Kevin Tippie, Gary B. Black, Elvia A. Sykes, LeAnna  
14 Lankford, Emile Erwin Herbert, Henry Blake Erwin, Kathy McCaslin,  
15 Mike McBride, Cathy Taylor, Barbara Barker Barnes, Tricia Deland,  
16 James Saylor, Tim Kennedy, Catherine Lee, Diana Hodges, Hayden  
17 Hodges, Alden Hodges, Carolyn J. Wallace, Leslie Diane Hogan, David  
18 W. Hogan, Donald A. Hogan, Clifford E. Hogan, Joel Alston, Pamela  
19 Bean, Jill Scoggins, Michael Brockway, Emory Brockway, Betty Brown,  
20 Lori Kubek, Richard Kubek, Leroy Cady, Gene Cady, Wallace Cady,  
21 Christopher Chatelain, Davette Pickard, H. Dean Clark, Yola Clark,  
22 Willia Jayne Clark, Cherri Pellerin, Myra C. Goodman, William  
23 Greer, Susan Boatright, Shawn Melton, Tracy Andrew, Martha A.  
24 Harris, Leslie Koester, Joyce Sanches, Ethel Kimmons, Joanne K.

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

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

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

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

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

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

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

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

12 (7) The University of Texas Medical Branch at  
13 Galveston admitted that its "failure of oversight . . . caused pain  
14 to the 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  
26 filed several lawsuits against The University of Texas Medical  
27 Branch at Galveston and the Anatomical Board of the State of Texas

1 regarding the Willed Body Program, but all claims against The  
2 University of Texas Medical Branch at Galveston, the Anatomical  
3 Board of the State of Texas, and other entities or employees of the  
4 State of Texas have been or likely will be dismissed on grounds that  
5 the State of Texas and agencies of the State of Texas enjoy  
6 sovereign 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 president of The University of Texas  
19 Medical Branch at Galveston and the chairman of the Anatomical  
20 Board of the State of Texas be served process as provided by Section  
21 107.002(a)(3), Civil Practice and Remedies Code.