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Funeral home director suing Archdiocese of Louisville for business interference

Priest accused of business interference

By Peter Smith

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A Nelson County funeral home director is suing the Archdiocese of Louisville and a Roman Catholic priest, whom he accuses of undercutting his business by implementing new rules on conducting funerals at his parish.

The Rev. Jeffrey Leger, pastor of St. Catherine Church in New Haven, put a new policy into effect last month, stipulating that funeral directors can no longer solely plan funerals. Instead, they must now plan them with Leger, who has final say.

The new policy, which Leger outlined in a 10-page letter to funeral directors, strictly enforces church law and liturgical practices that limit such things as the types of readings, music and eulogies at funeral Masses.

Ron Rust, owner of the William R. Rust Funeral Home in New Haven, said the policy will interfere with his longstanding business of coordinating funerals that are held at St. Catherine.

The policy marks "an intentional and wrongful interference" in the dealings between the funeral home and its customers and will cost Rust funerals and income, according to his suit filed Aug. 7 in Nelson Circuit Court.

He's seeking a temporary injunction halting implementation of the policy, pending a trial seeking monetary damages from Leger and the archdiocese.

Rust claims a "right to direct funerals in accordance with the wishes of the family of deceased individuals without the constraints" of Leger's policy, it says.

Claims made in filing a lawsuit give only one side of the case. Leger did not return a call last week seeking comment.

In his letter to funeral homes, he said the purpose of a funeral Mass is to "illumine the mystery of Christian death in light of the risen Christ," and that everything must focus on the Christian hope of resurrection.

Anything that could distract from that should be avoided, he wrote, adding that eulogies, recorded music and nonbiblical readings such as poetry and letters are forbidden except under limited circumstances.

Such personalized features should take place at the vigil service, typically held the evening before the Mass at either the church or the funeral home, he said.

The Archdiocese of Louisville doesn't comment on pending litigation, said spokeswoman Cecelia Price.

But she said each parish pastor sets funeral policy within overall Catholic law and liturgical practice. "The policies at St. Catherine are in conformity with church law and pastoral practice."

The archdiocese itself distributes a brochure based on Vatican guidelines that mirrors much of what Leger put in the parish policy. "It's not unusual," she said.

The policy distributed by Leger specifies that a funeral Mass is not allowed for "notorious apostates ... heretics ... schismatics ... and other manifest sinners" who did not repent before death.

Also, it says, a deceased person who had long avoided Mass will be denied a funeral Mass but allowed a rite of Christian burial. "Since they chose not to attend Mass in life they should not be compelled to attend Mass in death," the policy said; the restriction doesn't apply to those who couldn't attend for such reasons as a prolonged illness.

Leger also said that while a visiting priest with a past connection to the deceased can attend and even preach, Leger should be the prime celebrant of the funeral Eucharist.

For families who oppose that restriction, "the remedy is clear," Leger wrote, "choose another church."

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