

<p>FREMONT COUNTY COMBINED COURT STATE OF COLORADO Address: 136 Justice Center Road Cañon City, Colorado 81212 Telephone: (719) 269-0100</p>	<p>DATE FILED: October 30, 2023 7:46 AM FILING ID: F30E6667A9F23 CASE NUMBER: 2023CV30124</p>
<p>RICHARD LAW, on behalf of himself and all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>HALLFORDHOMES LLC d/b/a RETURN TO NATURE FUNERAL HOME, a Colorado limited liability company; CARIE HALLFORD, an individual; and JON HALLFORD, an individual;</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p><i>Attorneys for Plaintiff:</i></p> <p>Michael D. Kuhn, #42784 Andrew E. Swan, #46665 LEVENTHAL   LEWIS KUHNS TAYLOR SWAN PC 24 South Weber Street, Suite 205 Colorado Springs, Colorado 80903 Phone Number: (719) 694-3000 Email: mkuhn@ll.law aswan@ll.law</p>	<p>Case Number:</p> <p>Div.:</p>
<p style="text-align: center;"><b>CLASS ACTION COMPLAINT AND JURY DEMAND</b></p>	

Plaintiff Richard Law, on behalf of himself and all others similarly situated, by and through counsel, Leventhal Lewis Kuhn Taylor Swan PC, respectfully submits this Class Action Complaint and Jury Demand against Hallfordhomes LLC d/b/a Return to Nature Funeral Home, Carie Hallford, and Jon Hallford as follows:

## Introduction

1. Roger James Law (“Roger”) was a remarkable man.
2. Born on October 28, 1934 in Hamlin, a tiny town in Western Iowa, Roger enrolled at Colorado State College of Education in Greeley, now the University of Northern Colorado.
3. Roger took a detour from Colorado State Teachers College when he signed a professional baseball contract with the St. Louis Browns, now the Baltimore Orioles.
4. Heeding his nation’s call, Roger left professional baseball when he enlisted in the United States Marine Corps. While in the service, Roger was deployed to Okinawa, Japan.
5. Roger returned to Colorado to finish college. While in Greeley, Roger met Georgeann Christian, a native of eastern Wyoming. Georgeann was the love of Roger’s life, and they were married for 57 years.
6. Roger and Georgeann moved to Colorado Springs in 1964 where Roger bought into a shoe business. An established and respected figure in the Colorado Springs business community, Roger came to open four locations of Roger’s Shoes. He was a passionate supporter of the development of downtown Colorado Springs.
7. Roger and Georgeann had two sons during the 1960s: Richard, a retired middle school principal, and Stan, a physician. From endless hours of sports to helping with their homework to modeling the behavior he expected, Roger was always there for his two children.
8. After “retiring” from his business pursuits, Roger continued his lifelong passions of carpentry and remodeling. He built intricate furniture, and he restored three homes in the Old North End of Colorado Springs. Roger had five grandchildren on whom he doted. He loved to

dance and kept his family and friends in stitches with his irreverent sense of humor. Raised Lutheran, Roger maintained a quiet faith.

9. Even after Georgeann's death in 2015, Roger remained an active, vibrant man.

10. Roger contracted COVID-19 in November 2020, and his health quickly declined. He died at Memorial Hospital in Colorado Springs on November 20, 2020.

11. Richard Law, as agent under Roger's power of attorney and personal representative, was encouraged to contact Return to Nature Funeral Home to arrange for Roger's cremation. He did so, and having made payment, Return to Nature Funeral Home took possession of Roger's body and took it to Return to Nature Funeral Home's facility in Penrose, Colorado.

12. Return to Nature Funeral Home pretended to cremate Roger and returned what appeared to be ashes to Richard.

13. Richard Law has come to learn that Roger's was one of the 189 bodies that had piled up at Return to Nature Funeral Home located at 31 Werner Road, Penrose, Colorado (the "Penrose Property"). Nearly three years after his death, Roger still has never been cremated. Instead, he was allowed to decompose in squalid conditions at the Penrose Property.

14. Roger deserved better. So did the other 188 victims found at the Penrose Property.

15. Their families trusted Return to Nature Funeral Home to handle and process their loved ones' remains with respect and dignity. Return to Nature Funeral Home and its owners took advantage of these families' trust and lied to them about what happened to their loved ones' bodies. In some cases (including in Roger's case), the owners went as far as to return counterfeit ashes to the decedents' families and falsify the decedents' death certificates. All the while, Defendants

continued to dump corpses at the Penrose Property, creating a scene that Fremont County Sheriff Allen Cooper described as “horrific.”<sup>1</sup>

16. Using Colo. R. Civ. P. 23’s class action mechanism, this lawsuit seeks to hold accountable those who failed Plaintiff and the several hundred individuals similarly situated.

### **Parties, Jurisdiction, and Venue**

17. Richard Law (“Plaintiff”) is an individual domiciled in Colorado Springs, Colorado.

18. Defendant Hallfordhomes LLC (“Return to Nature Funeral Home”) maintains its headquarters at 815 East Platte Avenue, Colorado Springs, Colorado. Its principal place of business was the Penrose Property, and it is at the Penrose Property where the atrocities occurred. Return to Nature Funeral Home purported to offer environmentally friendly funeral services including cremations and “green burials” in which no embalming fluid was used in the bodies of the decedents.

19. Defendant Jon Hallford and Defendant Carie Hallford (“the Hallfords”) are individuals domiciled in the State of Colorado. The Hallfords, a married couple, own and operate Return to Nature Funeral Home.

20. Return to Nature Funeral Home and the Hallfords are referred to collectively as “Defendants.”

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<sup>1</sup> See <https://www.koaa.com/news/covering-colorado/return-to-nature-funeral-home-under-major-multiple-agency-investigation> (last accessed October 29, 2023).

21. This Court has personal jurisdiction over Defendants because this action arises out of conduct that occurred in the State of Colorado, specifically at Return to Nature Funeral Home's hellacious building in Penrose, Colorado.

22. Venue is proper in this Court because, among other things, the claims alleged in this Complaint arise out of torts that occurred, in whole or in part, in Fremont County.

### **General Allegations**

23. After Roger's death on November 20, 2020, and after communication with Carie Hallford, Plaintiff paid \$1,345.71 to Defendants to cremate his father. Ironically, Defendants charged Plaintiff an extra \$85 as a "COVID upcharge" to ensure that Roger's remains were safely handled.

24. Along with a small box of purported ashes, Defendants provided Plaintiff with a death certificate, specifying that Roger had been cremated along with the date and location of his cremation. On information and belief, many other family members received from Defendants small boxes purporting to contain ashes. They also received from Defendants death certificates stating that their loved ones had been cremated.

25. In early October 2023, Penrose residents began to complain of an "abhorrent smell" and "foul odor" emanating from the Penrose Property. A neighbor assumed the "putrid smell" permeating the air was a dead animal; other neighbors thought it was the result of a broken sewer line.

26. When questioned by Colorado State officials, and trying to mask his illegal conduct, Jon Hallford reported that he had been practicing taxidermy at the Penrose Property, claiming that the smell of decaying flesh was related to that hobby.

27. The stench was too much to ignore and, in early October 2023, law enforcement executed a search warrant at the Penrose Property. The scene was reminiscent of a horror film. Crammed in Return to Nature Funeral Home's building of approximately 2,500 square feet, law enforcement officials found at least 189 human bodies. Various states of decay and decomposition suggest that this already staggering number may very well increase.

28. A Federal Bureau of Investigation "mass casualty" team was brought to Fremont County to collect the bodies. Tellingly, such teams are reserved for "scenes of national magnitude" such as commercial airliner crashes.

29. Horrified by the "large number and condition" of those remains, El Paso County Coroner Leon Kelly (the medical examiner charged with identifying and returning bodies) reported that it would take many weeks to identify all of the bodies.

30. Plaintiff did not have to wait that long. On October 19, 2023, Plaintiff received a visit from a Federal Bureau of Investigation agent. This agent informed Plaintiff that his father, Roger, was among the 189 bodies recovered from Return to Nature Funeral Home. Roger had been identified by his fingerprints.

31. Plaintiff and his family were first confused and then devastated. After all, nearly three years ago, Defendants had provided to Plaintiff ashes purportedly from Roger's cremation. On information and belief, the detritus Plaintiff received was not his father's ashes. It was instead crushed concrete. On information and belief, Defendants routinely gave crushed concrete and other counterfeits to its customers to deceive them into believing that their loved ones had been properly cremated. They had not.

32. Plaintiff is not alone. Hundreds of other families throughout southern Colorado and the United States have begun to learn the emotionally fraught news that their loved ones, rather than being treated with respect and compassion, had been left to rot at Return to Nature Funeral Home. This information compounds the grief these families already feel from the deaths of their relatives.

### **Class Allegations**

33. Plaintiff was just one of Defendants' victims. With at least 189 bodies having already been removed from Return to Nature Funeral Home, there are hundreds of individuals who have colorable claims against Defendants. While many live in Southern Colorado, others live throughout Colorado and the United States.

34. Plaintiff seeks to pursue this action on behalf of the following class:

Immediate family members of those decedents who were not timely buried or cremated at Return to Nature Funeral Home.

35. Plaintiff hereinafter refers to the proposed class as the "Family Class."

36. Certification of the Family Class is proper under Colo. R. Civ. P. 23.

37. The Family Class is so numerous that joinder of all members is impractical. Given information already available, there are hundreds of putative members of the Family Class. The exact number of such members can only be precisely ascertained upon receipt of records from Defendants, autopsy results, and various investigative agencies.

38. There are questions of law and/or fact common to the Family Class including, among others: (1) whether these members have cognizable tort claims against Return to Nature Funeral Home and the Hallfords; (2) whether these members have individual standing to bring

such claims against Defendants; and (3) the damages these people suffered because of Defendants' illegal conduct.

39. Plaintiff's claims are typical of the claims of the Family Class members. The claims all involve the same principal fact pattern: Defendants took members' money in exchange for a service they did not provide and, in doing so, committed separate torts against the Family Class members.

40. Plaintiff will fairly and adequately protect the interests of the Family Class. Plaintiff knows of no conflict between himself and the members of the Family Class. Plaintiff will diligently prosecute this action. Plaintiff has engaged counsel with significant experience with and success in class and collective action litigation.

41. Plaintiff further meets the requirements of Colo. R. Civ. P. 23(b)(3).

42. Questions of law and/or fact common to the Family Class predominate over questions affecting only individual members. This case concerns a common practice related to the illegal disposal of human bodies.

43. A class action is superior to other available methods for the fair and efficient adjudication of the controversy.

44. The amount in dispute for the unperformed cremation and burial services (something under \$2,000 for each body not properly buried or cremated) makes it unlikely that members of the Family Class would have an interest in controlling the prosecution of their claims in separate actions. The filing fees alone would meaningfully reduce the per capita figures.

45. Plaintiff is unaware of any pending or prior litigation over this issue.



46. It is desirable to consolidate all claims in this forum rather than to maintain hundreds of separate cases, a specter that would quickly monopolize the resources of the Eleventh Judicial District.

47. Plaintiff is unaware of any unique difficulties in managing the Family Class. This action concerns a common practice by Defendants, and the similarity of members' experiences makes class treatment appropriate.

**First Claim for Relief**  
**Outrageous Conduct/Intentional Infliction of Emotional Distress**  
*(Against the Hallfords)*

48. Plaintiff hereby incorporates by reference all preceding paragraphs of this Complaint.

49. The Hallfords engaged in extreme and outrageous conduct by, among other things, allowing Plaintiff's father to rot rather than by providing the cremation Plaintiff had specified, by providing counterfeit cremated remains to Plaintiff, by providing falsified death certificates stating that certain decedents were cremated or given a "green burial" when no such services had been performed, and by lying about the condition of Return to Nature Funeral Home.

50. It is precisely the outrageous nature of the Hallfords' conduct that has drawn national and even global news attention to these horrific series of events.

51. The Hallfords' conduct is so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency. It is utterly intolerable in a civilized community.

52. Grieving his recently deceased father, Plaintiff was unusually sensitive to the Hallfords' extreme and outrageous conduct. By the very nature of their work (burial and cremation

services), the Hallfords were well aware of Plaintiff's—and all Family Class members'—unusual sensitivity, but the Hallfords engaged in the complained-of conduct regardless.

53. The Hallfords' extreme and outrageous conduct occurred over the course of a series of acts from not cremating Roger as promised, deceiving Plaintiff by giving him counterfeit ashes instead of his father's ashes, and allowing Roger's corpse to decompose for nearly three years.

54. The Hallfords engaged in such atrocious conduct at least recklessly.

55. The Hallfords' misconduct has caused Plaintiff severe emotional distress.

56. Plaintiff has suffered damage as a result of the Hallfords' outrageous conduct in an amount to be proven at trial for which Defendants are liable.

**Second Claim for Relief**  
**Negligent Infliction of Emotional Distress**  
*(Against the Hallfords)*

57. Plaintiff hereby incorporates by reference all preceding paragraphs of this Complaint.

58. The Hallfords owed a duty to Plaintiff—and all Family Class members—to treat their deceased loved ones with respect and dignity.

59. If their conduct was not at least reckless as alleged *supra*, the Hallfords negligently breached that duty by allowing nearly 200 human beings to decompose on unrefrigerated tables and on the floor of the Penrose Property. Such misconduct includes, but is not limited to, the above conduct.

60. For the reasons set forth, the Hallfords' misconduct was extreme and outrageous by any definition.

61. The Hallfords' misconduct has caused Plaintiff severe emotional distress.

62. Plaintiff has suffered damage as a result of the Hallfords' outrageous conduct in an amount to be proven at trial for which Defendants are liable.

**Third Claim for Relief**  
**Fraud**  
*(Against all Defendants)*

63. Plaintiff hereby incorporates by reference all preceding paragraphs of this Complaint.

64. Defendants intentionally failed to disclose to Plaintiff (and the other Family Class members) that they intended at the time of their retention not to abide by their representations to Plaintiff. This includes an intention at the time not to properly dispose of human bodies and to provide fake ashes to its customers in an effort to deceive them.

65. Such conduct is material because, had Plaintiff known of Defendants' intentions, he would not have retained Defendants and would instead have retained a competent and compliant mortuary.

66. Defendants were aware of this fact at the time they were retained. Families would never knowingly subject their loved ones to the horrors at the Penrose Property. Defendants deliberately concealed their intentions to induce Plaintiff to retain Defendant.

67. In reasonable reliance on Defendants' representations, Plaintiff assented to Defendants' retention, providing both money and his father's body.

68. Plaintiff's reliance on Defendants' representations was reasonable because nobody assumes that, upon delivering a loved one's body, the mortuary would allow it to decompose over the course of years in squalor, and would provide customers fake ashes and a falsified death certificate.

69. Plaintiff has suffered damage as a result of Defendants' fraudulent inducement in an amount to be proven at trial for which Defendants are liable.

**Fourth Claim for Relief**  
**Negligence**  
*(Against all Defendants)*

70. Plaintiff hereby incorporates by reference all preceding paragraphs of this Complaint.

71. As the entity itself, or as the owners and operators of Return to Nature Funeral Home, Defendants owed its customers the duty to perform its legal, ethical, and common-sense obligations in a timely manner.

72. Defendants were negligent and breached their duties in a number of ways by, among other things, failing to properly store human bodies; failing to timely bury, cremate, refrigerate, or otherwise dispose of human bodies; failing to provide accurate information on and for the decedents' death certificates; and failing to provide Plaintiff (and other Family Class members) with the remains of their loved ones.

73. Plaintiff has suffered damage as a result of Defendants' negligence in an amount to be proven at trial for which Defendants are liable.

**Fifth Claim for Relief**  
**Negligence Per Se**  
*(Against all Defendants)*

74. Plaintiff hereby incorporates by reference all preceding paragraphs of this Complaint.

75. Return to Nature Funeral Home is a "funeral establishment" within the meaning of Colo. Rev. Stat. § 12-135-106.

76. Defendants' conduct as described above was in violation of the express requirements of Colo. Rev. Stat. § 12-135-106 (specifying that funeral establishments "*shall* embalm, refrigerate, cremate, bury, or entomb human remains *within twenty four hours after taking custody of the remains*") (emphasis added).

77. This statutory requirement was in effect during the occurrence of the incidents and conduct described above.

78. The purpose of this law is to prevent the type of damage that Plaintiff (and all other Family Class members) suffered.

79. Plaintiff (and all other Family Class members) are within the class of persons this law is intended to protect.

80. Defendants' violation of this law constitutes negligence *per se*.

81. Plaintiff has suffered damage as a result of Defendants' negligence *per se* in an amount to be proven at trial for which Defendants are liable.

**Sixth Claim for Relief**  
**Violation of the Colorado Consumer Protection Act ("CCPA")**  
**Colo. Rev. Stat. §§ 6-1-101 *et seq.***  
***(Against all Defendants)***

82. Plaintiff hereby incorporates by reference all preceding paragraphs of this Complaint.

83. The CCPA protects the public in situations where, as here, consumers do not have and cannot reasonably gain access to truthful information relevant to a contemplated transaction unless it comes from the persons or entity offering the service.

84. The mortuary services purportedly provided by Return to Nature Funeral Home and the Hallfords constitute goods, services, and/or property pursuant to Colo. Rev. Stat. § 6-1-102,

and Plaintiff (and all Family Class members) were actual consumers of those goods, services, and/or property.

85. Defendants engaged in deceptive trade practices in the course of their business, vocation, and/or occupation by making false statements of fact, knowingly and/or recklessly and willfully without regard to their consequences, with the intent to deceive and mislead Plaintiff, which induced Plaintiff to act and to refrain from acting, and which had the capacity to deceive.

86. The deceptive trade practices in which Defendants engaged include, but are not limited to, falsely advertising, providing false information on its website, over the telephone, and in person, and knowingly making false representations to prospective customers about the services they offered in violation of Colo. Rev. Stat. § 6-1-105(e); failing to disclose material information regarding the actual techniques they utilized with the intent to induce consumers to enter into a transaction in violation of Colo. Rev. Stat. § 6-1-105(u); and making other false and misleading statements of fact concerning their services when they knew that such services were not at the standard, quality or grade represented in violation of Colo. Rev. Stat. § 6-1-105(g).

87. Defendants' conduct occurred in the course of their business and the industry of running funeral homes.

88. The professionalism and safety of funeral homes is a matter of public interest and concern, and Defendants' conduct significantly impacts the public as actual or potential consumers of these types of services.

89. Defendants' services were widely offered to the public and were specifically designed to attract customers.

90. Defendants' representations were widely disseminated to the public and were specifically designed to attract customers.

91. Defendants' deceptive trade practices affected a large number of potential and actual customers of its services. To date, at least 189 bodies have been removed. These victims had families who were induced by Defendants to utilize Defendants' services.

92. Plaintiff (and all Family Class members) detrimentally relied on Defendants' misrepresentations which induced them to act and to refrain from acting and which had the capacity to deceive. The customers Defendants sought to induce, and whom they actually induced, were particularly sensitive given the recent deaths of their loved ones.

93. Defendants, as individuals and as a business entity within the industry, possessed greater sophistication than Plaintiff (and all Family Class members) as actual and potential consumers of Defendants' services. Plaintiff is not a funeral director, for instance. This is a common attribute among Family Class members.

94. Defendants, as individuals and as a business entity within the industry, also possessed greater bargaining power than Plaintiff (and all Family Class members) as actual and potential consumers of Defendants' services. At the time he paid Defendants for cremation services, Plaintiff was grieving his father's death and was unable to exercise meaningful bargaining power in his interactions with Defendants. This is a common attribute among Family Class members.

95. Plaintiff has suffered damage as a result of Defendants' violation of the CCPA in an amount to be proven at trial for which Defendants are liable.

96. Defendants engaged in bad faith conduct within the meaning of Colo. Rev. Stat. § 6-1-113(2.3), entitling Plaintiff (and all Family Class members) to an award of treble damages, attorney fees, and costs pursuant to Colo. Rev. Stat. § 6-1-113(2)(III).

**Seventh Claim for Relief**  
**Civil Conspiracy**  
*(Against the Hallfords)*

97. Plaintiff hereby incorporates by reference all preceding paragraphs of this Complaint.

98. The Hallfords determined objects to be accomplished, namely, the unlawful extraction and retention of Plaintiff's (and the Family Class members') payments, as well as the illegal retention of human bodies.

99. The Hallfords, through their words, conduct, or both, agreed on a course of conduct by which to accomplish these objects by, among other things, making false material representations to customers, taking customers' funds under false pretenses, and illegally retaining at least 189 corpses.

100. Whatever their intent, the Hallfords set out to accomplish these objects and took affirmative steps to accomplish them.

101. The Hallfords each performed one or more overt acts to accomplish those unlawful objects by, among other things, actively deceiving Colorado State officials and providing counterfeit human ashes to Family Class members.

102. Plaintiff has suffered damage as a result of the Hallfords' civil conspiracy in an amount to be proven at trial for which the Hallfords are liable.



**Eighth Claim for Relief**  
**Violation of the Colorado Organized Crime Control Act (“COCCA”)**  
**Colo. Rev. Stat. §§ 18-17-101 *et seq.***  
***(Against the Hallfords)***

103. Plaintiff hereby incorporates by reference all preceding paragraphs of this Complaint.

104. The Hallfords are “[p]ersons” within the meaning of Colo. Rev. Stat. § 18-17-103(4).

105. The Hallfords maintained an “[e]nterprise” within the meaning of Colo. Rev. Stat. § 18-17-103(2), Return to Nature Funeral Home, which engaged in a “[p]attern of racketeering activity” within the meaning of Colo. Rev. Stat. §§ 18-17-103(3) and (5)(b)(II) by, among other things, illegally storing bodies, taking customers’ money under false pretenses, and lying to Colorado State officials.

106. The Hallfords engaged in statutorily prohibited activities by, among other things, not timely embalming, refrigerating, cremating, or burying dead bodies in violation of Colo. Rev. Stat. § 12-135-106. The Hallfords further engaged in theft by taking payment for cremation and burial services that they never intended to perform.

107. The Hallfords’ knowledge of the illegal nature of their conduct can be inferred from many facts including, among others, their active attempts to deceive family members by providing them fake ashes instead of cremated remains. There is no reason to engage in such deception except to hide their illegal conduct.

108. Plaintiff has suffered damage as a result of the Hallfords’ violation of the COCCA in an amount to be proven at trial for which Defendants are liable along with treble damages and attorney fees and costs as provided by Colo. Rev. Stat. § 18-17-106(7).

**Ninth Claim for Relief**  
**Civil Theft**  
*(Against the Hallfords)*

109. Plaintiff hereby incorporates by reference all preceding paragraphs of this Complaint.

110. The Hallfords knowingly and intentionally obtained, retained, and/or exercised control over monies and things of value of another without authorization; here, Plaintiff's monies paid to the Hallfords for services they did not provide and had no intention of providing at the time the monies were paid.

111. The Hallfords intended to deprive Plaintiff of the use or benefit of the monies and things of value, and/or knowingly used or concealed the monies and things of value in such a manner as to deprive Plaintiff permanently of their use or benefit. The Hallfords' intent can be inferred from the acts themselves and also from the Hallfords' campaign of deception by lying to Colorado State officials and providing phony ashes to Plaintiff.

112. To this day, Plaintiff has not received Roger's body (whether cremated or not), and it is uncertain whether and when he will because of the advanced state of decomposition. In any event, Plaintiff has been permanently deprived of the ability to have his father cremated in the respectful manner that society deems acceptable.

113. Plaintiff has suffered damage as a result of the Hallfords' civil theft in an amount to be proven at trial for which the Hallfords are liable along with treble damages and attorney fees and costs as provided by Colo. Rev. Stat. § 8-4-405.

**Tenth Claim for Relief**  
**Conversion**  
*(Against the Hallfords)*

114. Plaintiff hereby incorporates by reference all preceding paragraphs of this Complaint.

115. The Hallfords intentionally exercised dominion or ownership over property belonging to Plaintiff including his money.

116. The Hallfords' dominion or ownership over these funds and Roger's body has seriously interfered with Plaintiff's right to control his funds and to bury his father.

117. Plaintiff has suffered damage as a result of the Hallfords' conversion in an amount to be proven at trial for which the Hallfords are liable.

**Eleventh Claim for Relief**  
**Unjust Enrichment**  
*(Against all Defendants)*

118. Plaintiff hereby incorporates by reference all preceding paragraphs of this Complaint.

119. Plaintiff (and the other Family Class members) conferred benefits on Defendants which Defendants knowingly accepted, specifically by paying significant sums for cremation or burial services of their deceased family members.

120. The benefit received by Defendants was at Plaintiff's expense.

121. These benefits were taken under circumstances such that their retention would be unjust absent compensation to Plaintiff in an amount to be proven at trial for which Defendants are liable.

**Twelfth Claim for Relief**  
**Misrepresentation**  
*(Against the Hallfords)*

122. Plaintiff hereby incorporates by reference all preceding paragraphs of this Complaint.

123. Because the Hallfords were Plaintiff's trusted agents to carry out one of the most sensitive and emotionally-laden tasks imaginable, a duty existed between the Hallfords and Plaintiff.

124. The Hallfords made deceptive material misrepresentations of past or existing facts including, among other things, their pattern and practice of disposing of human remains, the cost of the services, and the identification of the detritus provided to Plaintiff.

125. Plaintiff reasonable relied on those material representations by the Hallfords.

126. In making these deceptive material misrepresentations, the Hallfords gained an advantage at the cost of Plaintiff.

127. Plaintiff has suffered damage as a result of the Hallfords' constructive fraud in an amount to be proven at trial for which the Hallfords are liable.

**Thirteenth Claim for Relief**  
**Accounting**  
*(Against all Defendants)*

128. Plaintiff hereby incorporates by reference all preceding paragraphs of this Complaint.

129. Plaintiff, on behalf of himself and all others similarly situated, seeks an accounting of all revenue received by Defendants related to work Defendants performed at all times relevant to this Complaint.

WHEREFORE, Plaintiff prays the Court:

1. Certify the Family Class;
2. Appoint counsel from Leventhal Lewis Kuhn Taylor Swan PC as class counsel;
3. Award damages (compensatory and exemplary<sup>2</sup>) in an amount to be proven at trial;
4. Award interest, costs, and attorney fees as permitted by law;
5. Grant such other and further relief as the Court deems just and equitable.

**Jury Demand**

Plaintiff demands a trial by jury on all issues so triable.

Respectfully submitted this 30th day of October, 2023.

LEVENTHAL | LEWIS  
KUHN TAYLOR SWAN PC

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<sup>2</sup> Due to the willful and wanton nature of Defendants' conduct, Plaintiff will seek to add a claim for exemplary damages at an appropriate point in the litigation.