CONTINUED

Suit: Mom says no one sought her permission

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tices of Minyard's office.

Under state law, a coroner can remove a corpse's organs and soft tissue if a good-faith effort to find a family member for consent is fruitless. But, according to Everett's suit before Civil District Judge Max Tobias, her son's corneas and parts of his pelvis were removed for use by Southern Transplant without any attempt to get permission from her or any other relative.

Besides Southern Transplant, two other organizations based in the New Orleans area regularly retrieve organs and tissue for transplants. The Southern Eye Bank collects eyes and corneas, and the Louisiana Organ Procurement Agency gets donor organs such as hearts, livers, lungs and kidneys and tries to find recipients within the state.

Minyard testified he has a "verbal agreement" with all three to collect body parts from corpses if each agency obtained relatives' permission. However, state law gives this responsibility to the coroner.

Friday's hearing was to determine if Everett's suit, filed in October 1996, should be allowed as a class action suit on behalf of thousands of people whose relatives had body parts removed without permission after autopsies by Minyard's office.

Attorneys Camilo Salas III and Brad Adams sued Minyard and Southern Transplant, a 10-year-old nonprofit corporation that arranges for transfers, donations and sales of human organs.

Also named as defendants are the firm's founders: T.J. "Terry" Picou, of St. Tammany Parish; Dr. John D. Jackson of Jefferson Parish, and Dr. Monroe Samuels of New Orleans.

According to the suit, Picou is Southern Transplant's executive director, Jackson is its medical director and Samuels performs autopsies for Minyard.

Minyard said Southern Transplant paid one worker in his office $10 per corpse to take the bone and corneas, paid clerks to call when bodies arrived, and paid at least one pathologist who has a contract to perform autopsies for Minyard's office and testify to grand juries.

The law states that organs must be donated, not sold.

After Everett learned of her son's death about 5 p.m. on the day he died, she said she could not have seen evidence of the removals because she wasn't allowed to see Leroy Everett's body to identify it except on a television monitor showing only his head and shoulders.

She remained uninformed until Southern Transplant called her nine months later to ask whether her son had hepatitis, she testified.

Tobias said he will rule within 30 days on the motion to turn the suit into a class-action.

In 1995, after an investigation by the federal Food and Drug Administration, Southern Transplant stopped taking bone from unidentified corpses. Allan Kanner, a lawyer testifying in favor of that change, said the firm notified hundreds of uninformed relatives about the procedures on orders from the FDA.

Earlier, Picou testified his firm had taken bones from 686 bodies after autopsies in New Orleans between January 1991 and April 1995.

Of those, 117 corpses were unidentified when bones were removed, though names of all or most were later learned, Picou said.

Among the body parts Southern Transplant might seek are heart valves, skin, eyes or corneas, bones from the arms and legs, ribs and soft tissue, including ligaments, tendons and blood vessels.

Unlike Southern Transplant, the eye bank and Louisiana Organ Procurement Agency make their retrievals at hospitals because they must work quickly. Some organs, most notably the heart and liver, must be implanted within hours after a patient is declared brain-dead.

The organ agency acts only after consulting with relatives, said Beth Landry, its spokeswoman.

"We work with organs from people who are brain-dead, not corpses," she said.

Another suit was filed recently by Florida Hargrove, mother of a New Orleans inmate who allegedly hanged himself with a sheet in jail. John Young and Greg DiLeo, who filed Hargrove's suit, said they may also try to have that case declared a class action for families of inmates whose organs were also "harvested" after autopsies.

According to DiLeo, Hargrove's son, Reggie, died in Orleans Parish Prison and his body was taken to the coroner's office. But when the body was turned over to a funeral home, it was missing the larynx, trachea, kidneys and possibly the heart and lungs, DiLeo said.

He said the coroner's office did not attempt to contact Florida Hargrove even though the office knew Reggie Hargrove's identity, because he was a prisoner.

Hargrove is suing the Orleans Parish coroner's office, the Orleans Parish Criminal Sheriff's Office and Sheriff Charles Foti, DiLeo said. He said that if Hargrove's organs went to a transplant agency, it also will be added as a defendant.

"Today was just like reliving my son's death all over again," Hargrove said late Friday. "My blood pressure is up, and I'm confined to my bed."

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Boat: Six could not escape skiff

From Page 1

The four hunters, including a sports marketing executive for a tobacco company and a prominent Tennessee couple, and three guides were traveling to duck blinds in the marshes of Vermilion Parish

All but Dobson, 46, of Franklin, Tenn., were killed when the Mallard apparently cut in front of the Geerd Tide and collided with it.

Dobson "said they had stopped a little ways down the bayou," Church said of their conversation during the rescue. "They were disoriented and talked about where they were going. Then they started up again. He said nobody knew rightly where they were going."

Previously, Sterling Williams, second captain who was piloting the Geerd Tide, stated that he saw the Mallard's spotlight sweeping the banks of the bayou, as if looking for landmarks. The group was supposed to turn into a canal off the bayou to reach their blind.

But a supervisor for the three hunting guides said his men were extremely familiar with the route and had hunted the Union Two duck blind before. All the guides were employed by the exclusive Bayou Club in Vermilion Parish.

"These people were raised in the marsh and have hunted ducks all their life," Bayou Club resident manager Walter Wainwright testified.

Norman Stelly, skipper of the Mallard, made "probably hundreds" of trips to the Union Two duck blind, Wainwright said.

In the fifth day of the crash hearings, testimony revealed that several of the hunters were alive in the capsized skiff for more than 25 minutes until the boat sank.

Church said he first heard the voices when he saw Dobson emerge from the capsized boat. Church and others had been searching for survivors for more than 20 minutes before Dobson popped out of the water.

Dobson asked the captain to throw him a line, which Dobson tried unsuccessfully to attach to the Mallard, Church testified. When it became apparent that Dobson, who had broken his leg in the crash, could no longer swim, Church grabbed two life jackets and some rope and plunged into the cold water.

After Dobson was pulled to the Geerd Tide, Church considered diving under the Mallard to try to retrieve the trapped hunters. But the boat began to drift and conditions became too dangerous, he said.

"I'm a certified diver, so I thought about it until the boat starting rolling," he said. "Then I knew the suction from the rolling would take me to the bottom with the rest of them."

Church said he decided to tie into the Mallard in an attempt to flip it upright because of the danger of possibly moving to deeper water.

When the wreckage was raised later that day, four bodies were found in the Mallard's cabin.

According to Wainwright's testimony, guide Aladdin Stelly was pinned in the front passenger seat. Guide Bryant Vincent was curled up on the floor between Stelly and the captain's chair. Wayne Robertson, a vice president of R.J. Reynolds in Winston-Salem, N.C., and Dan Maddox of Nashville also were in the cabin.

Norman Stelly's body was found pinned under the Mallard, Wainwright said. The body of Maddox's wife, Margaret, was found in the bayou the next day.

Most testimony will be completed today, but the hearing will reconvene for Dobson's testimony sometime in the coming weeks, hearing officials said. It will take the Coast Guard three to six months to complete its findings.

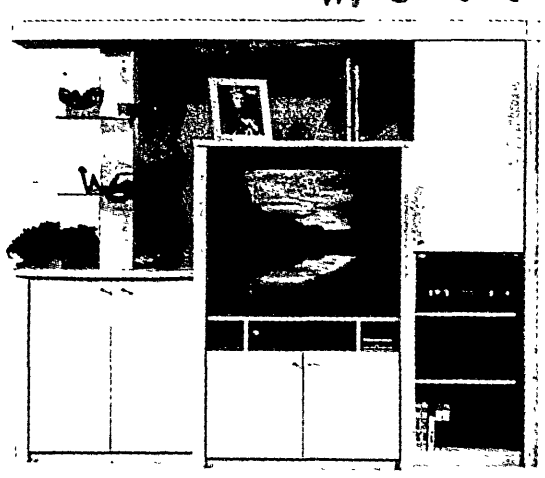
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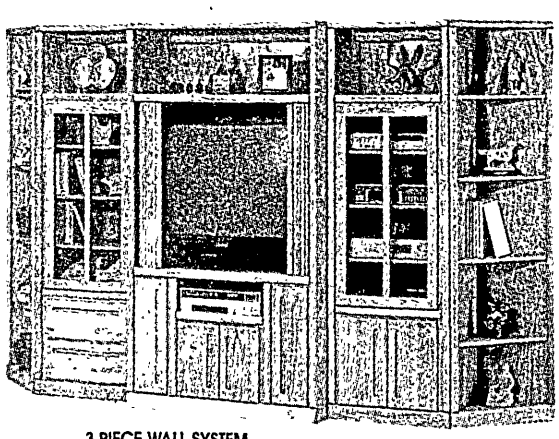
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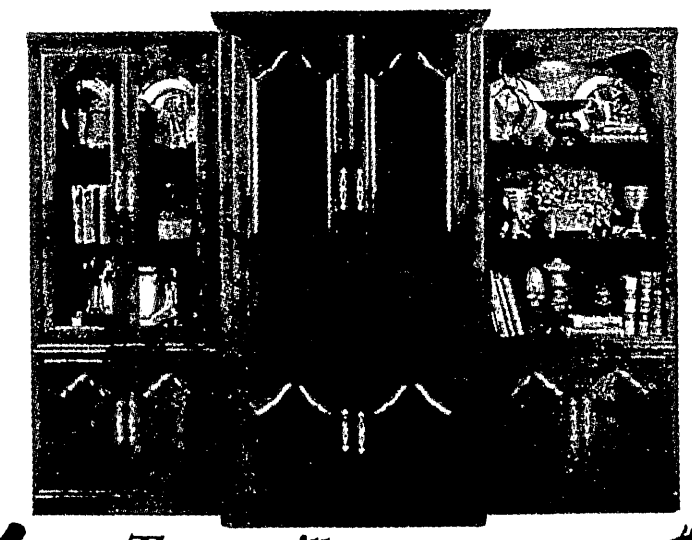
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