

HEARTACHE

General Information

Background

Mai and Seve Costello belonged to a religious sect that had very strong teaching on matters such as dying and the afterlife. Amongst other things was the belief that the body had to be complete when buried (cremation was not an option) as it was a vehicle for the soul's peaceful transition from this life to the next. Otherwise the soul would exist forever in limbo, its final destination being unreachable.

Unfortunately, five years ago Seve was killed in a fight and the police insisted in a post-mortem to establish cause of death as vital evidence for the ensuing trial. Although Mai and her family were unhappy with the thought of Seve being cut about, they were law-abiding citizens and co-operated with the investigation. Seve's body was returned to them after the post-mortem and buried in accordance with their religion. Shortly afterwards the killer was brought to trial and convicted. Although this was a harrowing experience for Mai, she felt that here was some justice in the outcome. However it still has an affect for her health has deteriorated and she sleeps very little at night.

Two years ago there was a sensational newspaper report about an assistant to the local Coroner selling body parts arising from post-mortems to a major University for medical research. The original report was headed "Return of the body snatchers" and the story was picked up in the national news. It eventually led to the assistant being sacked and prosecuted.

Mai started having nightmares about Seve being buried incomplete and therefore his soul not being at rest, so she and her family commenced a long but tenacious quest for information from the hospital, Coroner's office and University. Eventually, despite the barriers put up by the different authorities, they established that the assistant had taken part in Seve's post-mortem and the University acknowledged that one of their Professor's had acquired body parts for research from that day.

Mai was beside herself with anguish; the thought of Seve being incomplete became a constant nightmare. Her brother eventually made contact with the Professor, who was totally unsympathetic. At one stage the Professor remarked "How the hell do you expect us to do research if we can't have real bodies?". In that same conversation it was admitted that a heart and two other organs were currently in store with the label 'Costello, male, 52' together with the date of the post-mortem.

Mai broke down and had to receive residential care for several months. Meanwhile, her family continued the 'fight' and engaged the services of a lawyer. The solicitor wrote a letter informing the University that his/her clients intended taking action against them both. After further correspondence, it was agreed to take the case to mediation and that neither the hospital nor representatives from the Coroner's office need attend.

The dispute

The Costello's are claiming:

- The return of all body parts
- An apology
- Recognition of the suffering that had been caused, particularly to Mai
- Action against the Professor
- Explanation of what procedures are now in place to avoid a similar occurrence in the future
- Damages (assessed by the Costello's solicitor at £250,000) plus costs of £15,000 to date.

The University had responded with a qualified letter of apology and a refusal to pay any money.

Note: This dispute takes place before the creation of the Human Tissue Inspectorate

Attending the mediation

For the Costello's:

- Mai (if she is well enough)
- Mai's brother OR sister
- Solicitor

For the University:

- Finance Officer
- Insurer
- Solicitor