

No. 1 Oaklawn Drive
Metairie, LA 70005

August 3, 1999

Secretary, Federal Trade Commission
Room H-159
600 Pennsylvania Ave., NW
Washington, DC 20580

ORIGINAL
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Re: 16 CFR Part 453

If the Funeral Rule is expanded to include cemeteries, the cemetery provider should have to disclose at the time of purchase, whether the cemetery provider intends to allow the cemetery to be used for non-traditional social or for-profit enterprises. I will explain:

Recently, the cemetery where my family/ancestors are buried, allowed a tented, catered party complete with electric music and alcohol to be served to a couple of hundred people. (Please see enclosed news clipping.)

Can you imagine visiting the grave side of a departed loved one when something like this is going on nearby?

Remember, once a family burial site is purchased and one begins interring family, for all practical purposes, the average person is stuck and at the mercy of what the cemetery owner defines as in "good taste" and is respectful as to the departed. To then have to have one's loved one's remains relocated would not only be expensive, but an emotional nightmare.

I can think of no other time when the average consumer, after making the purchase of a family burial site, is less at the mercy of profit motivated entities.

Kerry John Anzalone

LIVING

TODAY: HOMES & GARDENS

TELEVISION • E-6
PUZZLES • E-6
COMICS • E-8

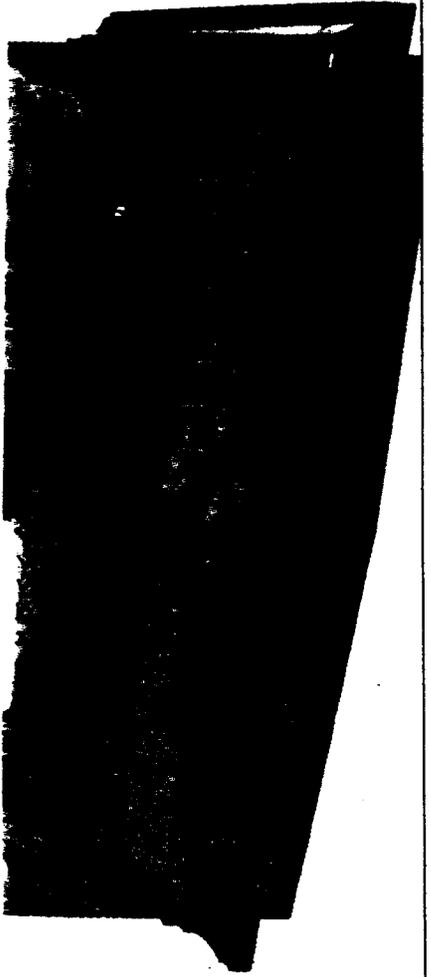
Friday
June 18, 1939

to *move* share

*Steakhouse associates party like new homeowners,
in the place they've picked for the hereafter*



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STAFF PHOTOS BY KATHY ANDERS

Fertel dances with her hairdresser, Francis Davis, in front of the tomb she and Duke, dancing with the Rev. Bob Massett, will one day share. The two asked about 200 friends to a party there last weekend, in celebration of the completion of the pricey structure.

By Keith Marshall
Contributing writer

They expected a sprinkling of holy water.

They got a deluge instead. It wasn't quite what Ruth Fertel, 72, founder of the Ruth's Chris steakhouse empire, and Lana Duke, 54, her confidant, steakhouse franchisee, advertising executive, and longtime-very-best friend, had planned for the blessing last Sunday afternoon of the seven-level-ornate "FRUITFUL TOWER"

"It's got to be the most expensive shotgun double in New Orleans," Fertel's son Randy, a Tulane University professor, told the 200 family members and friends pressed shoulder-to-shoulder under the blue-and-white-striped tent to escape the rain.

No really big names here, no immediately recognizable faces, just people who've touched the lives of the two women who've been together in business and friendship for almost 30 years. Now, as Fertel says, "We'll be together in death, together forever."

And, as they both suggest, paying for this

he wants."

That's Frank Stewart, chairman of the board of Stewart Enterprises, which owns the cemetery.

"So, Frank, how much?"

Silence.

"So, Lana? How many Mercedes-Benzes could you have bought instead of this tomb?"

"Probably about 10."

Make that eight SL500 convertibles at about \$76,500 apiece on sale. Or roughly \$612,000. But you don't have to worry about gas or maintenance. And the tomb comes with

Perpetual Care

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It wasn't quite what Ruth Fertel, 72, founder of the Ruth's Chris steakhouse empire, and Lana Duke, 54, her confidant, steakhouse franchisee, advertising executive, and longtime-very-best friend, had planned for the blessing last Sunday afternoon the drop-dead-gorgeous "FERTEL-DUKE" mausoleum on the newest millionaires' row at Lake Lawn Metairie Cemetery.

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No really big names here, no immediately recognizable faces, just people who've touched the lives of the two women who've been together in business and friendship for almost 30 years. Now, as Fertel says, "We'll be together in death, together forever."

And, as they both suggest, paying for this memorial for an eternity.

"So how much did this cost, Ruth?"

"I'm not gonna say, but Frank can blab if

he wants."

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Make that eight SL500 convertibles at about \$76,500 apiece on sale. Or roughly \$612,000. But you don't have to worry about gas or maintenance. And the tomb comes with Perpetual Care.

See **TOMB, E-2**

Associates party like new homeowners

TOMB, from E-1

Guests respectfully visited the standing-room-only, six-body mausoleum to the left of the tent or dashed through raindrops to one of

three Port-O-Lets that stood like low-rent crypts on the right side.

"I liked Ruth's tomb better," quipped one man as he opened a Port-O-Let door and stepped back into the rain. "But you can sit down in here."

Hey. You can lie down in Ruth and Lana's — three high on either side of the narrow marble vesti-

bule. But when you do, it's for keeps.

In a cemetery, we're talking exodus. But what was the genesis of this idea to be together for all time?

"When Ruth and I first talked about it two or three years ago, we

See **TOMB, E-5**

Associates party like new homeowners

TOMB, from E-2

were kidding. The 'tombstone party' idea was a big part of it from the beginning, a chance to tell our friends how much we love them while we're still here. Then it got serious and began to take on a life of its own. Before we knew it, we were picking marble colors."

U.S. Prime Italian marble, as one guest described the deep-burgundy facade, as richly marbled as a Ruth's Chris steak.

Food was never far from Fertel's mind as she walked through the cemetery with Duke two years ago gathering ideas for their structure, designed by Duke Unlimited's art director Robert O'Hair.

As they'd go from tomb to tomb, Fertel would comment on an occupant's favorite dish at Ruth's Chris. "Mr. So-and-so loved the head of lettuce with blue-cheese dressing. Or Mrs. X always ordered her steak extra rare," Duke recalled.

"The best was when we passed the Schwegmann tomb, just across the street from our plot," Ruthie said, laughing. "I'd take his strip steak," she said, referring to the late John G. Schwegmann, founder of the grocery store chain, "cut it

into tiny little pieces and cook it like hamburger. Then I'd put it all back together so that it looked like a filet. That's how he wanted it."

And how she built her own empire. Hard work.

This "Celebration of Life" focused on Louis Armstrong's "What a Wonderful World," which provided not just the inspiration for the stained glass window that illuminates the interior of the tomb, but also the theme song for the day, which Fertel and Duke sang to each other and their guests. The message, as Duke told a friend, was, "We love you ... now let's party."

It was reverent irreverence. A blessing of the fun and quirky in life. How else can you describe an event presided over by a joke-cracking, 9th Ward priest who blessed the crowd with a sprinkling of beer? Who thanked God for dousing the tomb with "a sea of holy water"?

Certainly not your average scene from the Sea of Galilee, though the flooded cemetery looked like one big body of water.

"It's fate that's brought us together here," Father Bob Massett, pastor of ceremonies for the event,

said as the bartender filled his cup with beer.

Fate? Maybe tempting fate. Friends celebrating under a tent with aluminum poles, surrounded by trees. Musicians playing electric instruments as water creeps over the gray wooden dance floor, lightning flashing in the distance.

Didn't our mamas warn us about things like this?

Under the tent, Fertel and Duke grabbed microphones and swayed like back-up girls in a rock group. Fertel shushed their friends.

"I'll start," she said, beaming at Duke. "Two years ago, Lana and I were having one of our wonderful talks. I'm country, from Port Sulphur. Actually, a little place called Happy Joe. There's not even a marker."

KA-BAM!

The tent shook with the force of the thunder that cracked overhead like the bleating of a score of public address systems with electrical shorts.

"You're not angry with us, are you, God?" Fertel asked, looking up.

Pat Tuckerson, who has worked for Duke for 25 years, shook her

head, "No, ma'am," she answered, speaking for Him.

After the dedication, Tuckerson, attired in a Sunday-going-to-meeting white lace dress, returned to the food.

"This is it," she said, laughing. "You can't get no down-homer than this — a little ribs, some fried chicken, potato salad and coleslaw. We're mixin' soul with Cajun today. And you're going to see me second linin' in just a minute."

True to her words, Tuckerson grabbed one of four bright yellow umbrellas trimmed with red ribbons and sequins and fell in with Duke, Fertel and Earnest Syvain — Fertel's longtime confidant and housekeeper — as the Bobby Lerner Band struck up "Just a Closer Walk with Thee."

The foursome didn't just prance into the tomb, they shimmied in. And right back out. It was getting crowded in there.

Friends hugged the proud owners, who beamed like a suburban couple showing off their new home.

"Can we move in next door and keep on partying?" asked a real-life neighbor of Duke.

"Sure," she said, smiling. "From here to eternity."