

# Missouri Baptist conference center wins latest round in legal battle

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**By Vicki Brown**

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JEFFERSON CITY, Mo. (ABP)—Windermere Baptist Conference Center will not face a trial this year in its continuing legal battle with the [Missouri Baptist Convention](#), thanks to a judge's ruling.

The decision is a victory for the center, encouraging supporters but angering attorneys for the state convention, who called it a "delaying tactic."

At a Sept. 10 hearing, Cole County, Mo., Circuit Court Judge Richard Callahan granted Windermere's request to reschedule the trial, which had been set to begin on Oct. 12. Attorneys for the center praised the judge's ruling as an opportunity to present additional information to the court.

It would have been the first jury trial in the [ongoing litigation](#) between the convention and five formerly affiliated institutions. In 2002, the Missouri Baptist Convention filed a lawsuit to regain control of Windermere, the

Baptist Home retirement-facility system, the newspaper [\*Word & Way\*](#), the Missouri Baptist Foundation and Missouri Baptist University.

The convention's suit seeks to have the institutions' charter changes declared illegal. The five had changed the corporate documents in 2000 and 2001 to remove the convention's power to elect the agencies' trustees.

Callahan ruled after defense attorneys argued that a new motion filed on Aug. 21 might eliminate the need for the trial. The motion, filed on behalf of Windermere, the Baptist Home and *Word & Way*, asks the court to rule on contract claims in the latest version of the state convention's lawsuit.

In the suit Missouri Baptist Convention lawyers contend the entities' corporate charters and the convention's governing documents—its constitution and bylaws, its business and financial plan, and the Executive Board's articles of incorporation and bylaws—create a contract.

"We asked for additional time so that the court could consider our motion," Windermere Attorney Kurt Odenwald said after the hearing. "A lot of information has been provided to the court. We feel this will help all parties, and we believe it may obviate (do away with) the need for a trial. Some issues in the motion will apply to all the entities."

Convention Attorney Charles Hatfield saw no reason to reschedule the Windermere trial. "We agreed to hear the case, and all parties are available," he said. "We saw this as another attempt to delay, apparently a successful one."

Judge Callahan will hear arguments on the defendants' motion Nov. 20. He rescheduled the Windermere trial for Feb. 4-8, 2008, with jury selection set for Feb. 1.

At the Sept. 10 hearing, the judge also denied a convention request to halt further discovery—requests for information and depositions. Hatfield

argued that convention attorneys wanted to concentrate on preparing for the Windermere trial.

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