

# Trial date set in first of five Missouri Baptist lawsuits

May 18, 2007

Posted: 5/18/07

## Trial date set in first of five Missouri Baptist lawsuits

**By Vicki Brown**

*Associated Baptist Press*

JEFFERSON CITY, Mo. (ABP)—A Missouri judge has set a date for the first jury trial in the cases of five statewide Baptist institutions embroiled in an [ongoing legal battle](#) with the Missouri Baptist Convention.

Jury selection in the convention's lawsuit against Windermere Baptist Conference Center is set to begin on Oct. 23, with the trial scheduled to run through Oct. 31.

Cole County Circuit Court Judge Richard Callahan ruled the Missouri Baptist Convention's challenges to moves by trustees of the five entities—the Baptist Home retirement-home system, the *Word & Way* newspaper, the Missouri Baptist Foundation, Missouri Baptist University and Windermere—should be tried separately.

The convention had sought four trials, one as a combined case against Windermere and *Word & Way* and one each against the other three defendants.

The convention sued the agencies after trustees of each voted to change

their governing documents to become independent of the convention's control. Before the changes were made in 2000 and 2001, messengers to MBC annual meetings approved the agencies' trustees.

Judge Callahan said five separate trials would be preferable. "The court suggested individual trials given the fact that, while there is commonality, there were also distinct facts that would affect the individual institutions," Kurt Odenwald, an attorney for Windermere, *Word & Way* and the Baptist Home said.

Convention lawyers had argued that land issues should place Windermere first in line for trial. The convention filed a separate legal action against the conference center, located on valuable property on the Lake of the Ozarks in south-central Missouri, on Nov. 1, 2006, for selling parcels as part of a refinancing plan.

Odenwald noted all parties agreed to the convention's request.

Judge Callahan also scheduled arguments on several pending motions in the case for July 18. He will most likely hear arguments on whether the convention has standing—the legal right to file a lawsuit against the agencies—on that date.

Attorneys for the defense consider standing "the most prudent issue" to hear, Odenwald explained, because it is a "very basic," "fundamental" and "foundational" issue.

Windermere's attorney said he does not anticipate the setting of the trial date to affect the second lawsuit against the conference center. Windermere has filed a motion to dismiss in that case and intends to pursue it because the second case raises the same issues addressed in the first.

News of religion, faith, missions, Bible study and Christian ministry among Baptist churches, in Texas, the BGCT, the nation and around the world.