

Former Glorieta homeowners seek rehearing for LifeWay lawsuit

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DENVER—An Arkansas Baptist couple filed a petition for the entire 10th Circuit Court of Appeals to rehear their lawsuit against LifeWay Christian Resources that challenged the sale of Glorieta Conference Center near Santa Fe, N.M.

Kirk and Susie Tompkins of Little Rock, Ark., filed the petition Jan. 4—two weeks after the court of appeals affirmed a lower court's [dismissal](#) of their suit against LifeWay, the Southern Baptist Convention's Executive Committee and both organizations' officers and chief administrators.

"We have not yet thrown in the towel," Kirk Tompkins said in an email.

The couple filed a petition for a review by all the available judges in the federal circuit court, rather than a typical three-judge panel. The court's [website](#) includes a statement identifying this as "an extraordinary procedure, and if the court finds the petition frivolous, the filing party may be ordered to pay a money penalty of up to \$500."

The Tompkinses asserted LifeWay misled and mistreated individuals who owned homes on leased land at Glorieta. They insisted LifeWay offered significantly less than market value for the houses when the agency sold the conference center to a new corporation called Glorieta 2.0.

In their petition for a panel rehearing, the Tompkinses point out they brought their suit without the benefit of legal counsel. The petition cites precedents indicating the documents they filed "cannot be held to the same

standard as pleadings drafted by attorneys,” and the court should provide “wide latitude” when considering their case.

When the court of appeals appointed an attorney, the lawyer “failed to provide oral preparation and evidence” for oral arguments, the petition asserts.

The couple sought \$12.5 million in damages for themselves and others affected by the sale. When the U.S. District Court [dismissed the original lawsuit](#), they filed an appeal.

However, a federal appeals court [affirmed](#) the lower court’s decision. Circuit Judge Carlos F. Lucero ruled the couple “lacked prudential standing,” and while the lease arrangement “operated to the detriment” of the Tompkinses, it did not reach the legal standard of procedural or substantive “unconscionability.”

“Each step of the way, the courts have wisely demonstrated the frivolity of the suit and strongly affirmed LifeWay’s position,” said Thom Rainer, president and chief executive officer of LifeWay.

“There is nothing new here. We have full confidence this latest effort will be denied by the court.”