

## McLean Bible Church Loses Motion to Dismiss

### **‘This is a disclosure case,’ attorney says in fight to force McLean Bible Church to disclose its financial dealings with the Southern Baptist Convention.**

McLean Bible Church and Pastor David Platt’s bid to stop discovery in a lawsuit filed to force the church to account for its relationship with the Southern Baptist Convention (SBC) failed. The church’s motion to dismiss was rejected by a Fairfax County, Virginia judge Friday morning.

The church argued that the constitutional ban on its membership in a denomination like the Southern Baptist Convention was a **“religious question” and therefore the secular court could not and should not interfere**. This argument formed the basis of a motion to dismiss from McLean Bible Church.

The members who filed the lawsuit including Jeremiah Burke, Laura Burke, Caroline Hiban, Mark Hiban, Salvador Cordova, and Judith M. Strother believed differently. **Lawyers representing the plaintiffs fought the motion**. Lawyers argued that the court could ascertain if the church joined a denomination in much the same way a court could ascertain if someone were legally married and do so without delving into the theological beliefs about marriage.

The judge concurred.

Judge David A. Oblon rejected the motion and said from the bench, “To close the courthouse door would be inappropriate,” at this time.

Won Y. Uh, a lawyer representing the Burkes and other McLean members, said this case is not asking the court to instruct McLean Bible Church on what to do regarding membership in a religious denomination. She stressed this is about disclosure of what the church has done.

This was an argument made explicitly during arguments before Judge Oblon too. Chap Petersen, another attorney representing the members, said “These are not religious issues.” He continued, “This is a disclosure case.”

The judge signed an order to continue the case. Next up additional motions from the church attempting to end the case.

There is another hearing tentatively scheduled for March 31, 2023. There are two remaining motions in the case a Plea in Bar arguing that the case is outside the statute of limitations and a demurrer.

A demurrer is a type of challenge that would toss the lawsuit from court on the grounds that “even if all the allegations in a complaint are true, they do not give rise to a legally cognizable claim for relief,” [according to this information from Cornell Law School’s Legal Information Institute](#).

The demurrer is a highly technical series of arguments claiming the church expelled Jeremiah and Laura Burke and thus they have no standing under the church constitution. Other elements of the argument in the demurrer include asking the court to apply the doctrine of “judicial estoppel” because of what the church claims are excessive amendments to the complaint after it was first filed by the members.

All of these motions are further attempts by church leadership including David Platt to avoid telling people how much McLean Bible Church gave to the Southern Baptist Convention during the time McLean Bible Church was affiliated with the denomination.

These financial documents form the basis of the discovery requests filed by attorneys representing the members in this lawsuit.

A separate [case against McLean Bible Church for conducting an allegedly “rigged” election is now before the Virginia Court of Appeals](#).