



**TERMINATED LA SIERRA UNIVERSITY EMPLOYEES' COUNSEL
RESPONDS TO DEFENDANTS' INITIAL COURT FILINGS**

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Dr. Kaatz, Dr. Beach, and Dr. Bradley have, through their attorney, repeatedly communicated to La Sierra University administration and attorneys their interest in informally resolving the issues of this case in a way that would both remedy the mistakes that had been made by University and Church leadership as well as benefit La Sierra University. Unfortunately, those overtures were rejected. Instead, Gencon Insurance Company, through Adventist Risk Management, Inc., hired a non-Adventist attorney at a 785-attorney national law firm to litigate the issues. Rather incredibly, despite the obvious conflict between the Church Defendants and La Sierra University, La Sierra University was not provided separate counsel to protect its interests. Instead, one firm is representing both the Church Defendants and La Sierra University. Of particular interest, Daniel Jackson, President of Defendant North American Division of Seventh-day Adventists and an individual Defendant who is at the center of the controversy, is vice-chair of the Board of Management of Adventist Risk Management, Inc., who is charged with the decision on hiring counsel. It is unknown whether this decision was made over the objection of La Sierra University and its general counsel Kent Hansen.

On September 13, 2011, Defendants La Sierra University, North American Division of Seventh-Day Adventists, and Pacific Union Conference of Seventh-Day Adventists filed responses to the lawsuit filed by Dr. Kaatz, Dr. Beach, and Dr. Bradley. In those responses, instead of defending the case on the merits, La Sierra University and the now united Church Defendants take positions that are completely at odds with the position La Sierra University has taken with Western Association of Schools and Colleges ("WASC"), its faculty and staff, its students, the community, its mission, and its bylaws. Of note, the positions taken by the Church Defendants include the following:

- La Sierra University is not a separate institution, and is, instead, part of a single unified church entity.



- La Sierra University is not a true University, but rather a “*church operated college* (emphasis added).”
- That the spiritual leaders of the Seventh-day Adventist Church know what is best for this Seventh-day Adventist university, implying that Church leaders should be making academic and curriculum decisions.
- That this controversy is a theological one. This position is in direct conflict with the previous express statement of La Sierra University administration to the faculty, WASC, and the community claiming that the forced resignations had nothing to do with the “origins controversy.”

According to Richard McCune, counsel for the three employees, “Basically, La Sierra University contends that its faculty and staff cannot depend on the protection of procedural and due process safeguards or California law. In these filings, La Sierra University contends its faculty and staff are not entitled to the protection of California law, because any employment action taken by the Board of Trustees and the administration is spiritual and religious in nature, and thus protected against government interference by the First Amendment. While there may be some that view this legal maneuvering as clever lawyering, it is a radical position that is destructive to La Sierra University and the dedicated faculty and staff that have devoted their lives to providing Christian education to young people. It is also contrary to California law and we are confident the Court will reject this arrogant and misguided approach.”

Richard McCune went on state: “What this response shows to me is that La Sierra University is in desperate need of separate counsel. The path chosen for it by the attorneys selected by the Church Defendants seems destined to lead only to the loss of WASC accreditation, and the loss of faith of the faculty and staff in their employer.”

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