

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT  
IN AND FOR ORANGE COUNTY FLORIDA  
CIVIL DIVISION**

K.S., as mother and natural guardian of  
JANE A.S. DOE, a minor child,

Plaintiff,

vs.

CASE NO.: 2025-CA-001701-O  
DIVISION: 39

CHRISTRIAN VARGAS, FLORIDA  
MULTICULTURAL DISTRICT COUNCIL OF  
THE ASSEMBLIES OF GOD, INC. AND  
IGNITE LIFE CENTER, INC.,

Defendant.

\_\_\_\_\_ /

**DEFENDANT IGNITE'S MOTION FOR A PROTECTIVE  
ORDER TO STAY DISCOVERY**

COMES NOW, the Defendant IGNITE LIFE CENTER, INC., by and through its undersigned counsel and move this Honorable Court for a protective order for a stay of the discovery stage of these proceedings given pending criminal proceedings relating to this matter and in support thereof will show as follows:

**PROCEDURAL OVERVIEW AND FACTUAL ALLEGATIONS**

A criminal action was brought against Pastor Mark Vega, the president and director of Ignite Life Center, Inc., by the State Attorney's office. The criminal action is styled, "State of Florida vs. Mark Anthony Vega, Alachua County Case No 01-2025-002560-A. Mark Vega was charged with one count of failure to report suspected child abuse, abandonment under Florida Statute 39.205(1). See **Exhibit "A."** Thereafter on or about February 28, 2025, the Plaintiff filed its "Complaint and Demand for Jury Trial" against Defendant IGNITE LIFE CENTER, INC, for Negligence (Count II) and Vicarious Liability (Respondeat Superior) (Count III). Within the

subject complaint, at paragraph 44, Plaintiff has alleged “The Defendant breached its duties...to warn Plaintiff about CHRISTIAN VARGAS’s propensity to sexually abuse vulnerable church members prior to 2021 and failing to adequately supervise CHRISTIAN VARGAS in the performance of his duties...” and paragraphs 47 through 50, Plaintiff alleged that CHRISTIAN VARGAS as “an appointee, employee, and/or servant of IGNITE LIFE CENTER”, “was authorized to touch Plaintiff in his role as LIFE CENTER’S agent”, and “CHRISTIAN VARGAS extended and converted this authorized touching into the sexual assault of Plaintiff.” The allegations against CHRISTIAN VARGAS, put forth in the complaint are criminal in nature and come from the same set of facts that have led to the pending criminal charges by the State of Florida. The Defendant filed its “Answer and Affirmative Defenses” on April 18, 2025, denying any liability set forth by the Plaintiff.

#### **ISSUES PRESENTED FOR CONSIDERATION**

Whether discovery directed to the Defendant, IGNITE LIFE CENTER, INC., should be stayed until the pending criminal charges against Pastor Mark Vega related to this matter are concluded and disposed of due to the exposure to self-incrimination and harm the Defendant would incur if it was subjected to discovery.

#### **LEGAL ARGUMENT**

This motion seeks a protective order for a stay of discovery until the pending criminal proceeding against Pastor Mark Vega is concluded and disposed of. Pastor Mark Vega, the president and director of Defendant, IGNITE LIFE CENTER, INC., has been charged with felony charges related to an alleged failure to report suspected child abuse under F.S. 39.205(1). If the Defendant in the civil case here were subject subjected to discovery, any statements made or documents produced by the Defendant, may be used to build a case against Pastor Mark Vega in

the parallel criminal proceeding. In addition, any such statements or materials sought from Defendant during these civil proceedings could undermine any criminal defense(s) with resulting prejudice to the Pastor Mark Vega. As the sworn criminal complaint accusing Pastor Mark Vega of criminal activity was filed on August 13, 2025. As the criminal complaint was filed more than 6 months after the filing of this civil action, discovery in this civil action will likely be used to aid any ongoing criminal investigation and the pending prosecution.

If the Defendant's president is subjected to discovery and asserts his Fifth Amendment right against self-incrimination, this Court may draw an adverse inference of liability. The U.S. Supreme Court has stated, "[o]ur conclusion is consistent with the prevailing rule that the Fifth Amendment does not forbid adverse inferences against parties to civil actions when they refuse to testify in response to probative evidence offered against them." *Baxter v. Palmigiano*, 425 U.S. 308, 318 (U.S. 1976). *See, United States v. Single Family Residence & Real Property*, 803 F.2d 625, 630 n.4 (11<sup>th</sup> Cir. Fla. 1986). If subjected to discovery, the Defendant would undoubtedly face requests for information regarding the allegations in Paragraphs 44, 45, 48, 49, 50, 51, 52 and 53 of the complaint and matters contained within the Gainesville police report and the charging documents. Pastor Mark Vega's assertion of the Fifth Amendment rights would result in an adverse inference from this Court, thereby weakening the Defendant's case in the civil action. A stay of discovery would protect the Defendant, IGNITE LIFE CENTER, INC., from an adverse inference of liability, and would safeguard Pastor Mark Vega's Fifth Amendment privilege.

"[I]t does not offend the Constitution if a Defendant in a civil case is asked questions the answers to which might incriminate him. But even if the Defendant's dilemma does not violate the Fifth Amendment or due process, it certainly undercuts the protections of those provisions, and a Court can exercise its discretion to enable a defendant to avoid this unpalatable choice when to do

so would not seriously hamper the public interest.” *Brock v. Tolkow*, 109 F.R.D. 116, 120-21 (E.D.N.Y. 1985).

This is a private cause of action between two private parties. None are public figures; the outcome of this case does not have any social implications. The public has no stake in this case. If the Plaintiff were to recover money or assets, this will have no effect on the public at large. The Defendant would have a difficult, if not impossible time defendant the civil action to the fullest with a parallel criminal action as to Defendant’s president. Discovery in this action may directly bolster the criminal charges against Defendant’s President and Director Mark Vega as there is an ongoing criminal case based on the charging documents filed by the State Attorney’s office accusing Defendant’s President and Director for alleged failure to report suspected child abuse to which the underlying facts are directly related to the subject civil action.

If this Court enters a stay of discovery until the completion of the pending criminal proceedings, the risk of the Defendant’s President and Director is diminished. “A stay of discovery and/or the entire trial is but one of many options a court may consider when a party or witness invokes his Fifth Amendment right against self-incrimination.” *SEC v. Incendy*, 936 F. Supp. 952, 955 (S.D. Fla. 1996). A stay would prevent the Plaintiff from obtaining evidence to aid the ongoing criminal investigation started after the complaint was filed. “It is unquestioned that this court has the power to stay a civil proceeding due to an active, parallel criminal investigation.” *United States v. Pinnacle Quest Int’l*, 2008 U.S. District. LEXIS 78165 (N.D. Fla. Sept. 11, 2008).

*Brock*, 109 F.R.D. at 119 n. 3. Any statements made or documents produced in compliance with the Plaintiff’s discovery requests are likely to be used by the Gainesville Police Department and State Attorney’s Office to bolster the criminal case against the Defendant’s President and Director, Pastor Mark Vega, via discovery in this matter. Pastor Mark Vega is not just under

investigation or facing a potential indictment, rather he has been formally charged with a crime, an alleged violation of Florida Statute 39.205(1). See **Exhibit “A.”**

In *Wehling v. Columbia Broadcasting System*, 608 F.2d 1084, 1086 (5th Cir. Tex. 1979), the plaintiff, after asserting his Fifth Amendment rights in response to a discovery request, sought a stay of the civil suit until the completion of a parallel criminal investigation. The district court in *Wehling* dismissed the suit after the Plaintiff asserted his Fifth Amendment right against self-incrimination. The appellate court stated,

[I]t is clear that the Fifth Amendment would serve as a shield to any party who feared that complying with discovery would expose him to a risk of self-incrimination. The fact that the privilege is raised in a civil proceeding rather than a criminal prosecution does not deprive a party of its protection. *Lefkowitz v. Cunningham*, 431 U.S. 801, 805, 97 S. Ct. 2132, 53 L. Ed. 2d 1 (1977); *McCarthy v. Arndstein*, 266 U.S. 34, 40, 45 S. Ct. 16, 69 L. Ed. 158 (1924). Thus, under the Federal Rules of Civil Procedure and the Constitution, Wehling was under no obligation to disclose to CBS information that he reasonably believed might be used against him in a criminal prosecution. *Maness v. Meyers*, 419 U.S. 449, 461, 95 S. Ct. 584, 42 L. Ed. 2d 574 (1975); *Hoffman v. United States*, 341 U.S. 479, 486, 71 S. Ct. 814, 95 L. Ed. 1118 (1951).

*Id.* at 1086-87. The fact that the criminal charges against the Defendant’s Director and President are pending should most certainly allow a stay as to discovery pending the resolution of the criminal charges against Defendant’s Director and President without penalty of any adverse consequences.

Recognizing that corporations do not have 5th Amendment right, the court in *American Express Business Finance Corp. v. R.W. Professional Leasing Services Corp. v. RW Professional Leasing Services Corp.*, 225 F. Supp. 2d 263, 265 (E.D. N.Y. 2002), granted a stay of the civil action even as to the company defendant, despite the absence of its Fifth Amendment privilege in the case. The company claimed that the only employees capable of responding to discovery were the individual defendants under investigation, and that as a result, it could not defend itself in the

civil action without the assistance of the two individual defendants, and that its defense would be prejudiced if the individual defendants invoked their Fifth Amendment privilege. The court found that a stay of discovery as to the company was warranted, until the resolution of the criminal proceedings against the defendants.

The instant case is similar in that Defendant's Pastor Mark Vega, is Defendant's President and Director, who is under investigation for the parallel criminal case, and thus Defendant is subject to prejudice should the Defendant's corporate officer be compelled to invoke the privilege, in an abundance of caution.

### **Overlap of Issues in Civil Case and Criminal Investigation**

Furthermore, the degree of overlap between parallel civil and criminal proceedings is the "most important threshold issue" in determining whether a stay of a civil proceeding is warranted. *S.E.C. v. HealthSouth Corp.*, 261 F. Supp. 2d 1298, 1326 (N.D. Ala. 2003). Stays have been granted to halt civil litigation that threatened to impede criminal investigations which had yet to yield an indictment. *See also, United States v. Pinnacle Quest Int'l*, 2008 WL 4274498 (N.D. Fla. 2008) (granted stay finding that "as for the most important threshold issue,' it appears to be undisputed that there is significant overlap between the two cases.").

The significant overlap between the instant case and the criminal investigation is that, simply put, the criminal charges against Pastor Mark Vega were brought first and then Plaintiff brought this case alleging Defendant's negligent supervision of the Plaintiff which resulted in allegations that another minor at Defendant's camp sexually abused the Plaintiff under the Defendant and its Director and President Pastor Mark Vega's watch.

### **Fifth Amendment Implications**

As stated above, corporate entities, such as Defendant, do not have 5<sup>th</sup> amendment rights. Despite that Defendant must shield itself from the risk of inadvertent self-incrimination. Which includes Defendant's President and Director Pastor Mark Vega., who would be the individual responding as the corporate representative for Defendant as to Plaintiff's discovery in relation to Plaintiff's Complaint.

The United States Supreme Court has made clear that the privilege against self-incrimination is one which should be exercised without penalty and the courts should avoid "the imposition of any sanction which makes assertion of the Fifth Amendment privilege 'costly.'" *Spevack v. Klein*, 385 U.S. 511, 515 (1967) (quoting *Griffin v. California*, 380 U.S. 609 (1965)). *See also, Simmons v. United States*, 390 U.S. 377 (1968). "The Fifth Amendment would serve as a shield to any party who feared that complying with discovery would expose him to a risk of self-incrimination." *Wehling v. Columbia Broadcasting System*, 608 F.2d 1084, 1086 (5th Cir. Tex. 1979)

### **Interest of the Plaintiff**

The Plaintiff is obviously interested in proceeding expeditiously to trial in this case so that she can recover the losses she allegedly sustained as a direct result of the other minor's alleged perpetrated sexual abuse of the Plaintiff. As the court in *Wehling* stated "[i]n most cases, a party 'voluntarily' becomes a plaintiff only because there is no there means of protecting legal rights." Despite Plaintiff's obvious desire to move forward with this case expeditiously, Plaintiff's desire is subordinate to the pending criminal prosecution under the circumstances in light of the potential criminal penalties.

Certainly, a district court may stay a civil proceeding during the pendency of a parallel criminal proceeding. *See SEC v. First Financial Group of Texas, Inc.*, 659 F.2d 660, 668 (5<sup>th</sup> Cir. 1981)(“...stay contemplates ‘special circumstances’ and the need to avoid ‘substantial and irreparable prejudice.’”

#### **Burden on the Parties**

As to the burden continuing with the instant civil case while a parallel criminal case is ongoing, this would be a great burden as Defendant, IGNITE LIFE CENTER, INC., which needs to protect itself from an adverse inference of liability, and needs to safeguard Pastor Mark Vega’s Fifth Amendment privilege. There would be no burden to Plaintiff to stay discovery in this case while the criminal matter against Pastor Mark Vega proceeds.

#### **Convenience of the Court**

In *United States v. A Single Family Residence & Real Property Located at 900 Rio Vista Blvd, Fort Lauderdale*, 803 F.2d 625, 629 n.4 (11<sup>th</sup> Cir. 1986) the court explained that the court’s “role in a civil proceeding such as that before it is to ensure that fairness permeates the proceeding and to try and ascertain the truth.” The court is unable to accomplish either of these purposes here, as Defendant’s corporate representative would be Pastor Mark Vega, he would seek to protect his Fifth amendment rights in the parallel criminal matter against him. Given the chilling effect a criminal investigation necessarily has on witnesses and potential deponents, the interests of justice are not served by the chilling effect the investigation would present in reaching the truth, and the effect it would have on Defendant’s ability to defend itself in the present civil matter which includes discovery.

### **Interest of Non-Parties**

Here, the Defendant is a private nonprofit organization whose key witness as to the allegations in the Complaint is Pastor Mark Vega. *See, Golden Quality Ice Cream Co., Inc. v. Deerfield Specialty Papers, Inc.*, 87 F.R.D. 53, 58 Fed. R. Serv. 2d 1193 (E.D. Pa. 1980). “Although corporate defendants have no Fifth Amendment right to refuse to respond to civil discovery, corporations speak only through their officers and other upper-level managers. Among the senior management of the corporations defending these civil cases are persons, who together with their corporate employers, face criminal charges, and so it may be anticipated that some of these persons will have Fifth Amendment rights to be reckoned with. The dilemma for such persons is severe because they face serious penalties in the event of a criminal conviction, and because they are not parties to this civil action.” *Id.* at 58. Furthermore, the court in *Deerfield* stated that “although the court might attempt to restrict dissemination of information gained through civil discovery through the mechanism of a protective order, the possibility of inadvertent disclosure, notwithstanding the good faith of the many law firms that would be privy to civil discovery, is not insubstantial.” *Id.* Accordingly, “[the court] [viewed] this burden upon third parties as a factor to be given real weight.” *Id.*

In this instant case, Defendant’s President and Director Pastor Mark Vega is the third party that would likely be subpoenaed to testify on behalf of Defendant as its corporate representative and again will inevitably invoke his Fifth Amendment rights.

### **Conclusion**

Applying the facts of this case to the foregoing authority, particularly considering the *Whelting* case, which is directly on point with the instant case as to Defendant requesting discovery to be stayed until the threat of criminal liability as to its President and Director Pastor Mark Vega

has ended, warrants that this motion be granted. Therefore, Defendant respectfully requests that this Court grant this Motion for a Protective Order staying discovery until the resolution of the pending criminal charges against Pastor Mark Vega, and grant such other relief as this court deems just and proper.

**Certificate of Conferral**

I certify that conferral prior to filing is not required under rule 1.202.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via E-Service to: Christopher R. Chenevey, Esq. (chris@bagenlaw.com and wendy@bagenlaw.com), Counsel for the Plaintiff, and all other counsel of record, on this 15th day of January 2026.

/s/ Madeline S. Villani  
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Counsel for Defendant IGNITE

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA  
Plaintiff,

Case Number: 01-2025-CF-002560-A

Division IV

vs.

Mark Anthony Vega, W/M, 01/09/1970

CHARGES:

- 1) FAILURE TO REPORT SUSPECTED CHILD ABUSE, ABANDONMENT, OR NEGLECT

**INFORMATION**

**IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA:**

BRIAN S. KRAMER, STATE ATTORNEY for the Eighth Judicial Circuit, prosecuting for the State of Florida, under oath, alleges by information that Mark Anthony Vega, in Alachua County, Florida, between December 7, 2021 and August 13, 2025, being a person who is required to report, to-wit: a church pastor or other spiritual leader, known or suspected child abuse, abandonment, or neglect, did knowingly and willfully fail to do so, or did knowingly and willfully prevent another person from doing so, to wit: sexual abuse of one or more juveniles, contrary to Section 39.205(1), Florida Statutes. (L1) [FDLE #7317]

STATE OF FLORIDA  
COUNTY OF ALACHUA

Personally appeared before me the undersigned Lua J. M. Lepianka, Assistant State Attorney, Eighth Judicial Circuit of Florida, who, being first duly sworn, says that the allegations set forth in the foregoing INFORMATION are based upon facts that have been sworn to as true, and which if true, would constitute the offense therein charged, and is filed in good faith, and does hereby certify that he/she has received testimony under oath from the material witness or witnesses for the offense.

Brian S. Kramer  
State Attorney

  
 \_\_\_\_\_  
 Lua J. M. Lepianka  
 Assistant State Attorney  
 Florida Bar No.: 653004  
 120 West University Avenue  
 Gainesville, FL 32601  
 (352) 374-3670  
 E-service: eservice@sao8.org  
 E-mail: lepiankal@sao8.org

The foregoing instrument was acknowledged before me this 14th day of November, 2025 by Lua J. M. Lepianka, Assistant State Attorney, who is personally known to me and who did take an oath.

  
NOTARY PUBLIC



SANDRA K. MAYER  
Commission # HH 677115  
Expires July 25, 2029

DEFENDANT INFORMATION

Date: 11/14/2025

Mark Anthony Vega Name	W Race	M Sex	SS Age	01/09/1970 D.O.B	Hgt	Wgt	Hair	Eyes	Complex
Phys. Descript.: Marks – Scars – Defects – Hair Length – Mustache								Mode of Dress	
Vehicle Type - Description - Tag			21324 NW 212th Ter, High Springs, FL 32643 Address				(813) 494-7440 Home Phone No.		
FL V200-541-70-009-0 D.L. State & Number	Social Security No.		Aliases / Maiden Name			Occupation			
Place of Birth	Place of Employment: Name & Address					(813) 494-7440 Business Phone			
Parents Name & Address						Other Identification if Known			

COMPLAINANT INFORMATION

Victor Luis Bruce Name	2510 NE 9th Street 304, Gainesville, FL 32609 If not Business – Resident Address		
(352) 317-9823 Home Phone No.	Name of Business / Bank	Business / Bank Address	Business / Bank Phone
Amount of Check	Bank Reason for Returning Check	Remarks	

EXTRADITION AUTHORIZED?

YES  Southeast Region;  Nationwide;  Other \_\_\_\_\_  
 NO

Special Conditions:  No Contact with Victim(s);  Do Not Possess any Weapons/Firearms;  Do Not Possess or Consume any Alcohol or Illegal Drugs;  Other \_\_\_\_\_

FOR USE BY JUDGE:

Investigative Remarks:	State Attorney Bond	Bond Ordered
Charges	Recommendation	By Court
1 FAILURE TO REPORT SUSPECTED CHILD ABUSE, ABANDONM	\$50,000	
DK:		
Court No.: 01-2025-CF-002560-A	Date of Warrant:	
Agency: Gainesville Police Department	Date of Offense: 12/15/2023	
Agency Report #: GPD25-6544	Affiant Officer: Desiree Russano	