

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT IN AND
FOR ORANGE COUNTY, FLORIDA.

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

CASE NO.: 2025-CA-001701-0
DIVISION: 39

Plaintiff,

vs.

CHRISTIAN VARGAS, FLORIDA
MULTICULTURAL DISTRICT COUNCIL
OF THE ASSEMBLIES OF GOD, INC. and
IGNITE LIFE CENTER, INC.

Defendants.

**PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANT IGNITE LIFE CENTER
MOTION TO STAY/ABATE CIVIL PROCEEDINGS PENDING RESOLUTION OF
CRIMINAL CASE**

COMES NOW, Plaintiff, K.S., as mother and natural guardian of JANE A.S. DOE, a minor child, by and through the undersigned counsel, and files this Response in Opposition to Defendant, IGNITE LIFE CENTER, INC.'s Motion to Stay/Abate Civil Proceedings Pending Resolution of Criminal Case, and in support thereof states as follows:

1. This matter arises from the childhood sexual abuse of Plaintiff which was perpetrated by Defendant Christian Vargas, an appointee, employee, or agent of Defendant IGNITE LIFE CENTER, INC. (hereinafter "IGNITE").
2. At all relevant times, Pastor Mark Anthony Vega was the president and director of IGNITE and served as the church's senior pastor.
3. Pastor Vega is not alleged to have committed the abuse at issue in this civil action.

4. Rather, Plaintiff's claims against IGNITE concern the organization's supervision, policies, practices, and conduct relating to Christian Vargas and the safety of minors attending IGNITE's programs.
5. On October 13, 2025, IGNITE filed a Motion to Stay/Abate Civil Proceedings Pending Resolution of Criminal Case.
6. On January 15, 2026, IGNITE filed a Motion for Protective Order to Stay Discovery.
7. Both motions are premised upon a pending criminal prosecution styled State of Florida v. Mark Anthony Vega, pending in the Eighth Judicial Circuit Court of Florida.
8. In that criminal case, Pastor Mark Anthony Vega is charged with one count of Failure to Report Suspected Child Abuse under Section 39.205(1), Florida Statutes.
9. Pastor Vega is not a named defendant in this civil action.
10. IGNITE is a corporate entity and remains a party defendant in this case.
11. IGNITE contends that continuation of this case, or even discovery in this case, would allegedly prejudice Pastor Vega's Fifth Amendment rights in his separate criminal matter.
12. IGNITE therefore seeks an order staying the civil proceedings in this matter pending the outcome of Pastor Mark Vega's criminal matter.
13. IGNITE has not provided any affidavit or evidentiary showing that no other employee, officer, board member, or managing agent can serve as corporate representative.
14. IGNITE has not demonstrated that written discovery, document production, or testimony from other witnesses would directly infringe any constitutional right.
15. The relief requested is extraordinary, speculative, and unsupported by controlling authority.

MEMORANDUM OF LAW

A. The Fifth Amendment is Personal and Does Not Protect Corporations

IGNITE's argument rests on Pastor Vega's potential assertion of the Fifth Amendment in his criminal case. It is well established that the Fifth Amendment privilege against self-incrimination protects only natural persons and does not extend to corporations. A corporation has no Fifth Amendment right and cannot assert such a privilege on behalf of its officers or representatives. *See United States v. White*, 322 U.S. 694, 704 (1944) (“[T]he privilege is personal to the individual called as a witness, making it impossible for him to set up the privilege of a third person as an excuse for a refusal to answer or to produce documents.”); *Bellis v. United States*, 417 U.S. 85, 90 (1974) (“Since no artificial organization may utilize the personal privilege against compulsory self-incrimination, the Court found that it follows that an individual acting in his official capacity on behalf of the organization may likewise not take advantage of his personal privilege.”); *see also State v. Wellington Precious Metals, Inc.*, 510 So. 2d 902 (Fla. 1987) (holding that a corporate officer, when acting in a representative capacity, cannot assert a personal Fifth Amendment privilege to avoid producing corporate records).

The Third District applied the above rule specifically in the context of a motion to stay civil proceedings in *Eller Media Co. v. Serrano*, 761 So. 2d 464 (Fla. 3d DCA 2000). In that case, the plaintiff brought a wrongful death action against Eller Media Company and others. Subsequently, the State filed criminal charges against Eller Media and certain of its employees for manslaughter arising out of the same underlying incident. Before any employee had formally asserted a privilege, Eller Media and its employees moved to stay the civil proceedings, arguing that compliance with civil discovery would force its employees to waive their Fifth Amendment rights and that any potential invocation of the privilege could prejudice the corporation's defense.

The Third District rejected this approach and affirmed the denial of the stay, emphasizing that neither the corporation nor its employees could use the mere existence of a potential Fifth Amendment claim to impede civil discovery or stay the litigation. As the court explained:

Eller Media, as a corporation, has no Fifth Amendment right, and it cannot vicariously assert that right on behalf of its employees because the privilege is a personal one. There is no evidentiary support for Eller Media's contention that its employees will invoke the privilege at all. There must be a corporate representative who could answer without the risk of self-incrimination. To grant Garcia and Eller Media a stay without anyone having asserted the privilege would confer on these appellants an unprecedented advantage, one not enjoyed by defendants whose level of apparent fault has not attracted the attention of the criminal authorities.

761 So. 2d at 466.

The reasoning in *Eller Media* directly applies to the circumstances here. IGNITE seeks to leverage Pastor Vega's potential assertion of the Fifth Amendment in his criminal case as a basis to delay or stay civil proceedings. Just as the Third District emphasized, the mere possibility that Pastor Vega might invoke the privilege in his criminal case does not justify halting discovery or civil litigation. Furthermore, consistent with *Eller Media*, IGNITE cannot claim a vicarious privilege on his behalf. Allowing IGNITE to stay this case based on a speculative Fifth Amendment claim would confer an unprecedented advantage not available to other defendants and would unfairly hinder the Plaintiff from pursuing timely relief.

B. IGNITE May Designate an Alternative Representative

Florida Rule of Civil Procedure 1.310(b)(6) expressly requires a corporation to designate one or more individuals to testify on its behalf regarding matters known or reasonably available to the organization. Under this rule, a corporation is not limited to a single officer or employee and may appoint any qualified individual who can provide the requested information. A corporation may designate a surrogate or successor custodian to produce and authenticate records

without implicating the Fifth Amendment rights of another individual. *See Wellington*, 510 So. 2d at 904 (“Provided the response was timely, the corporation could have appointed a surrogate or successor custodian to produce and authenticate the records without implicating the asserted Fifth Amendment rights of Weiss”).

Here, IGNITE claims that Pastor Vega’s criminal case prohibits the corporation from responding to discovery. This is simply untrue. IGNITE may designate any qualified individual to respond to discovery on its behalf without relying on Pastor Vega. Officers and directors of IGNITE, including Lisa Vega, Eunice Luvis, Azael Nunez, and Nicole Gomez, are publicly listed on the corporation’s filings with the Florida Department of State and are each qualified individuals who could serve as corporate representatives for this purpose. By appointing one or more of these individuals, IGNITE can comply with discovery obligations and avoid any delay in this civil proceeding.

C. A Stay of Civil Proceedings is an Extraordinary Remedy

Florida courts have held that there is no per se rule requiring a stay in civil proceedings when related criminal matters are pending. The decision to grant a stay depends on whether special circumstances exist that justify such relief in the interests of justice. *See Urquiza v. Kendall Healthcare Grp., Ltd.*, 994 So. 2d 476, 478 (Fla. 3d DCA 2008) (“Although under certain circumstances, a trial court may grant a stay in a civil proceeding for a limited time during the pendency of a concurrent criminal proceeding, such a stay is not constitutionally required.”); *see also United States v. Lot 5*, 23 F.3d 359, 364 (11th Cir. 1994) (“[A] court must stay a civil proceeding pending resolution of a related criminal prosecution only when special circumstances so require in the interests of justice”). “Not only is it permissible to conduct a civil proceeding at the same time as a related criminal proceeding, even if that necessitates invocation

of the Fifth Amendment privilege, but it is even permissible for the trier of fact to draw adverse inferences from the invocation of the Fifth Amendment in a civil proceeding.” *Keating v. Office of Thrift Supervision*, 45 F.3d 322, 326 (9th Cir. 1995)

“A defendant has no absolute right not to be forced to choose between testifying in a civil matter and asserting his Fifth Amendment privilege.” *Id.* As IGNITE correctly notes in its Motion to Stay/Abate, the court in *Keating* identified several factors to be considered when determining whether to stay a civil proceeding in light of parallel criminal litigation: “(1) the interest of the plaintiffs in proceeding expeditiously with this litigation or any particular aspect of it, and the potential prejudice to plaintiffs of a delay; (2) the burden which any particular aspect of the proceedings may impose on defendants; (3) the convenience of the court in the management of its cases, and the efficient use of judicial resources; (4) the interests of persons not parties to the civil litigation; and (5) the interest of the public in the pending civil and criminal litigation.”

It is important to note that the circumstances here differ materially from *Keating*. In *Keating*, the party seeking the stay was the same individual facing potential criminal exposure. Here, IGNITE is a corporation. It is not the subject of criminal prosecution. IGNITE is therefore not being forced to choose between testifying and asserting a Fifth Amendment privilege.

Nevertheless, even if this Court were to apply the *Keating* balancing framework, each factor weighs against a stay. First, the Plaintiff has a substantial interest in proceeding expeditiously. This case involves allegations of childhood sexual abuse. An indefinite stay tied to the resolution of a separate criminal prosecution would result in continued delay and deny Plaintiff the opportunity for timely relief.

Second, the burden on IGNITE is minimal. IGNITE may designate one or more representatives pursuant to Florida Rule of Civil Procedure 1.310(b)(6) to testify regarding matters known or reasonably available to the organization. The corporation is not limited to Pastor Vega. Indeed, IGNITE has made no evidentiary showing that no other officer or director can serve in this role.

Third, the convenience of the Court favors moving forward. “Clearly, denial of the stay motion promotes the convenience of the court in the management of its cases.” *Avant! Corp. v. Superior Court*, 79 Cal. App. 4th 876, 888 (2000). “Convenience of the courts is best served when motions to stay proceedings are discouraged.” *Id.* (citing *United States v. Private Sanitation Indus. Ass'n*, 811 F. Supp. 802, 808 (E.D.N.Y. 1992)).

Fourth, the interests of non-parties do not support a stay. The denial of Defendant’s motion to stay does not preclude IGNITE’s employees who are not parties to the civil action from raising their Fifth Amendment rights at the proper time.

Fifth, the public interest strongly weighs against a stay. The public has a compelling interest in exposing and preventing child sexual abuse, particularly in settings where minors are entrusted to the care and supervision of adults. Courts have expressly recognized this principle. *See Doe v. Saddleback Valley Community Church*, 2025 Cal. Super. LEXIS 58544, *3 (“The public has a strong interest in exposing and preventing child sexual abuse, especially in institutional settings.”)

CONCLUSION

For all the foregoing reasons, IGNITE’s motion to stay or abate civil proceedings pending the resolution of Pastor Vega’s criminal case is without merit. IGNITE, as a corporation, cannot assert a Fifth Amendment privilege, and alternative representatives are available to respond to

discovery. Moreover, applying the *Keating* factors demonstrates that a stay would prejudice the Plaintiff, impose minimal burden on the Defendant, and run contrary to the public interest.

Accordingly, the motion should be denied in its entirety.

WHEREFORE, Plaintiff respectfully requests that this Court deny Defendant IGNITE LIFE CENTER, INC.'s Motion to Stay/Abate Civil Proceedings Pending Resolution of Criminal Case and Motion for Protective Order to Stay Discovery, and grant such other and further relief as the Court deems just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served and filed via the Florida Court's E-portal on this 23rd day of February, 2026 to: Madeline S. Villani, Esq., (mvillani@garrisonyount.com; kickler@garrisonyount.com; smarsh@garrisonyount.com; eservice@garrisonyount.com).

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