

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

JANE PA DOE, by and through her
Mother and natural guardian, MOTHER
PA DOE,

Plaintiff,

vs.

CASE NO.: 2025-CA-006966-O

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

Defendants.

_____ /

**DEFENDANT IGNITE'S MOTION TO DISMISS
BASED ON THE STATUTE OF LIMITATIONS**

COMES NOW, Defendant IGNITE LIFE CENTER, INC., by and through its undersigned counsel, hereby files this Motion to Dismiss based on the statute of limitations against JANE PA DOE, by and through her mother and natural guardian, MOTHER PA DOE, and in support states as follows:

INTRODUCTION

On July 23, 2025, Plaintiff filed her Complaint (the "Complaint") in this action. The Complaint alleges that another minor, who is not a named defendant in this action, sexually abused the Plaintiff at Defendant's summer camp in 2018. (Complaint, ¶14.) At the time of this contact, the Plaintiff was approximately 10 years old. *Id.*

The Complaint contains one count of negligence against Defendant Ignite. Count II of the Complaint (starting at page 9) has been brought against Defendant purporting to state a cause of action for negligence. However, this cause of action is time-barred under the applicable statute of

limitations. Finally, as set forth below, Defendant should not be estopped from asserting a statute of limitations defense. Defendant respectfully requests that this Court apply the law as written and dismiss this action with prejudice.

ARGUMENT

I. PLAINTIFF’S COMPLAINT SHOULD BE DISMISSED AS A MATTER OF LAW BECAUSE ALL CLAIMS ARE BARRED BY THE APPLICABLE STATUTE OF LIMITATIONS

This Court may grant a Motion to Dismiss based upon the expiration of the applicable statute of limitations where the defense appears on the face of the complaint. *See Conte v. R & A Food Services, Inc.*, 644 So. 2d 133 (Fla. 2d DCA 1994). Here the defense of the statute of limitations appears on the face of the Plaintiff’s Complaint.

Plaintiff’s Complaint alleges that another minor MG sexually abused the Plaintiff in 2018. (Complaint, ¶14.)

As discussed below, both causes of action alleged in Plaintiff’s Complaint accrued in 2018 and are subject to a four-year statute of limitations which expired in 2022. The Complaint was not filed until July 23, 2025, approximately seven years after the statute of limitations had run. Therefore, the causes of action alleged in Plaintiff’s Complaint should be dismissed with prejudice as time barred as a matter of law.

A. Plaintiff’s Negligence Claim is Time-Barred as a Matter of Law.

All negligence claims against Defendants are time-barred as a matter of law. As the date of the alleged negligence started accruing in 2018. Florida’s pre-tort reform four-year statute of limitations is applicable. Fla. Stat. Ann. §95.031(1) (Defendant cites to this statute but acknowledges the statute was revised on March 24, 2023). A cause of action accrues when the last element constituting the cause of action occurs. Fla. Stat. Ann. §95.031(1). Actions for personal injury based on the wrongful or negligent act of another accrue at the time of the injury. *Cristiani*

v. City of Sarasota, 65 So. 2d 878, 879 (Fla. 1953); *Tobin v. Damain*, 772 So. 2d at 13, 16 (Fla. 4th DCA 2000) (holding that in actions for personal injuries caused by the wrongful act of another, the cause of action accrues and “the statute begins to run for the time when the injury was first inflicted, and not from the time when the full extent of the damages sustained has been ascertained”).

It is not necessary for the accrual of the cause of action that the plaintiff knows the full consequences of the injury. *City of Miami v. Brooks*, 70 So. 2d 306, 308 (Fla. 1954) (holding that the statute of limitations begins to run even if the full consequences of the injury are not known); *Doe v. Cutter Biological* 813 F. Supp. 1547, 1555 (M.D. Fla. 1993), (aff’d 16 F.3d 1231 11th Cir. 1994); *Tobin*, 772 So. 2d at 16; *Cristiani*, 65 So. 2d at 879 (holding that the running of the statute of limitations is not postponed even though the injury may not materialize or be discovered until later). Nor is it necessary for the accrual of a cause of action that the plaintiff knows of the existence of a claim against a particular defendant. *Johnson v. Deluxe Tire Service, Inc.*, 544 So. 2d 1158, 1160 (Fla. 5th DCA 1989)(holding that the statute of limitations began to run when the plaintiff was injured in a car accident and not four years later when she read a release indicating she might have a cause of action against a particular defendant).

In *New Life Community Church of CMA, Inc.*, a minor’s claim for negligence accrues when the last element constituting the cause of action occurs. Under a negligence claim, the claim “accrues at the time of the injury, when the sexual abuse was inflicted. The point at which a limitations period begins to run (accrual) is set forth in § 95.031(1). Under Section 95.11(a)(3) “An action founded on negligence” shall be commenced within 4 years. *R.R., et al., v. New Life Community Church of CMA, Inc., et al.*, 303 So. 3d 916 (2020).

In *John Doe I v. Archdiocese of Miami, Inc., et al.*, 360 So.3d 778 (Fla. 3rd DCA 2023), the appellate court affirmed the dismissal of a minor plaintiff's claim based on negligence where a Plaintiff brought a claim for negligence against the Archdiocese for alleged sexual abuse by one of its priests. The plaintiff brought the claim when he was 29 years old, but the alleged abuse last occurred when he was nine years old. The court affirmed the dismissal of the negligence claim that the Archdiocese "employed, retained, supervised, and was otherwise responsible" for the Priest who allegedly abused the plaintiff because the statute of limitations had long since expired. *Id.* at 782.

Here the alleged injury stems from the allegation that another minor MG sexually abused the Plaintiff which occurred in 2018 that was drafted as a negligence cause of action in Plaintiff's Complaint. (Complaint, ¶ 14.) Plaintiff alleges that, at all relevant times, the Defendant failed to protect the Plaintiff from the known risk of sexual abuse and failed to adequately supervise the Plaintiff and/or the alleged abuser MG. Accordingly, the four-year statute of limitations for negligence expired in 2022. Here, Plaintiff brought this action in 2025, after the expiration of the statute of limitations. Therefore, Plaintiff's negligence cause of action against the Defendant is time-barred as a matter of law and should be dismissed.

CONCLUSION

Plaintiff's claim against the Defendant is governed by a four-year statute of limitations. The alleged injuries occurred and causes of action accrued in 2018. All of Plaintiff's claims expired four years later in 2022. Plaintiff brought this action in 2025, three years after the expiration of the statute of limitations and seven years after the alleged abuse. Therefore, all of Plaintiff's claims are time-barred as a matter of law.

Defendant respectfully requests that this Court Dismiss Count II against Defendant IGNITE LIFE CENTER, INC. with prejudice.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed with the Florida Courts E-Filing Portal which furnished a copy via electronic mail to all counsel of record using Florida Court's E-Filing Portal on this 21st day of October, 2025.

/s/ Madeline S. Villani

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