

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

K.S., as Mother and Natural Guardian of
JANE A.S. DOE, a Minor Child,

Plaintiff,

CASE NO.: 2025-CA-001701-O

v.

DIVISION: 39

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

Defendants.

DEFENDANT FLORIDA MULTICULTURAL DISTRICT COUNCIL
OF THE ASSEMBLIES OF GOD, INC.'S
MOTION TO DISMISS COUNTS IV AND V OF PLAINTIFF'S COMPLAINT

COMES NOW, the Defendant, FLORIDA MULTICULTURAL DISTRICT COUNCIL OF THE ASSEMBLIES OF GOD, INC., (hereinafter "DISTRICT") by and through its undersigned counsel, and pursuant to Rule 1.140, Florida Rules of Civil Procedure, moves this Honorable Court for an Order dismissing Plaintiff's Complaint and staying Discovery, and as grounds for same states:

INTRODUCTION

1. This lawsuit arose from allegations of sexual abuse perpetrated by a volunteer of Co-Defendant IGNITE LIFE CENTER, INC. against the Plaintiff.
2. On or about March 18, 2025, Plaintiff served a lawsuit on DISTRICT. The lawsuit contains five (5) separate and brief counts against the DISTRICT, Co-Defendant CHRISTIAN

VARGAS and Co-Defendant IGNITE LIFE CENTER, INC. Specifically, Counts IV and V are alleged against DISTRICT.

3. DISTRICT alleges all counts asserted against it fail to state a proper cause of action, and/or are pled with insufficient facts, injuries, and damages to substantiate said counts, and accordingly must be dismissed.

4. Furthermore, DISTRICT asserts that this Court lacks Subject Matter Jurisdiction as the matters brought before this Honorable Court relate to matters of doctrine and church governance, and are therefore precluded through the ecclesiastical abstention doctrine.

5. The remaining counts were brought against Co-Defendants CHRISTIAN VARGAS, and IGNITE LIFE CENTER, INC.

6. Accordingly, DISTRICT is seeking an order dismissing, with prejudice, the Complaint for (a) Plaintiff's failure to state a cause of action against DISTRICT; and (b) the Court's lack of subject matter jurisdiction over matters of doctrine and church governance.

MEMORANDUM OF LAW

I. PLAINTIFF HAS FAILED TO STATE A CAUSE OF ACTION AGAINST DISTRICT.

Plaintiff's Complaint, specifically Counts IV and V fail to allege sufficient ultimate facts to state a cause of action for any Count listed therein. Rather, the complaint merely states false legal conclusions that IGNITE LIFE CENTER, INC., was a "district affiliated church," that DISTRICT operated and/or oversaw the "Call Matters Conference," and that DISTRICT selected, assigned, trained, and supervised employees of the "Call Matters Conference."

COUNT IV– NEGLIGENCE AGAINST DISTRICT.

Count IV makes vague and false assertions that DISTRICT negligently breached duties to Plaintiff. Plaintiff has not and cannot allege ultimate facts to establish, or give DISTRICT, actual notice as to the duty being claimed, the alleged breach of same and further fails to identify viable damages. IGNITE LIFE CENTER, INC., is not a district affiliated church, and DISTRICT had no roll or responsibility in the operation of the “Call Matters Conference” or bible studies.

As such, Count IV fails to state a cause of action, and therefore must be dismissed.

COUNT V – VICARIOUS LIABILITY (RESPONDEAT SUPERIOR), AGAINST DISTRICT.

Count V makes vague and false assertions that Co-Defendant CHRISTIAN VARGAS, was an appointee, employee, agent, and/or servant of DISTRICT. Plaintiff has not and cannot allege ultimate facts to establish, or give DISTRICT, actual notice as to the vicarious liability being claimed, the alleged agency theory, the employee relationship of CHRISTIAN VARGAS and further fails to identify viable damages and therefore Count V must be dismissed.

II. THIS COURT LACKS SUBJECT MATTER JURISDICTION OVER MATTERS OF DOCTRINE OR CHURCH GOVERNANCE.

The “ecclesiastical abstention doctrine” precludes courts from exercising jurisdiction where the substance and nature of the plaintiff’s claims are inextricably intertwined with matters of doctrine or church governance. The U.S. Supreme Court has, as recently as 2021, reaffirmed that “[b]ecause courts are prohibited from risking judicial entanglement with ecclesiastical matters . . . if the substance and nature of the plaintiff’s claims are inextricably intertwined with matters of doctrine or church governance, then the case must be dismissed.” *In re Diocese of Lubbock*, 624 S.W.3d 506 (2021) (citing *Jennison v. Prasifka*, 391 S.W.3d 660, 665, 668 (Tex. App. –Dallas

2013, no pet.). The Court in *Lubbock*, also states that to make a determination, a court should look to the substance and nature of the plaintiff's claims, citing *Patton v. Jones*, 212 S.W.3d 541, 548 (Tex. App.-Austin 2006, pet. Denied).

As the U.S. Supreme Court indicated in *Lubbock*, courts are prohibited from even "risking judicial entanglement with ecclesiastical matters." *Lubbock* at 514. Plaintiff's lawsuit is inextricably intertwined with matters of doctrine or church governance, and thus must be dismissed.

CONCLUSION

Based on the foregoing reasons, arguments, and legal authorities cited herein, DISTRICT respectfully submits to this Honorable Court that DISTRICT's Motion to Dismiss be GRANTED for the following reasons: (1) Plaintiff fails to state a viable cause of action against DISTRICT by making general legal conclusions, and failing to identify viable damages against DISTRICT; and (2) This Honorable Court lacks subject matter jurisdiction as the matters at issue relate to ecclesiastical matters.

WHEREFORE, the Defendant, FLORIDA MULTICULTURAL DISTRICT COUNCIL OF THE ASSEMBLIES OF GOD, INC., respectfully request this Honorable Court enter an Order Granting the Defendant's Motion to Dismiss Count IV and V, and for any and all further relief this Court deems just and proper under the circumstances.

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, to the following, on this 17th day of April, 2025:

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