

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

Comes now, Plaintiff, by and through the undersigned counsel, and submits this Response in Opposition to Defendant Multicultural District Council of the Assemblies of God, Inc.'s Motion to Dismiss Counts IV and V of Plaintiff's Complaint, and as grounds for same states:

1. This matter arises from the childhood sexual abuse of Plaintiff, which was perpetrated by an appointee, employee, agent, or servant of the Defendant, FLORIDA MULTICULTURAL DISTRICT COUNCIL OF THE ASSEMBLIES OF GOD, INC., (hereinafter "DISTRICT").

2. Defendant's counsel filed a motion on April 17th, 2025, asking this Honorable Court to dismiss counts IV and V of Plaintiff's Complaint, and did so prior to Answering Plaintiff's Complaint.

3. DISTRICT alleges in its Motion to Dismiss, paragraph 1, that the lawsuit arose from, “Allegations of sexual abuse perpetrated by a volunteer of Co-Defendant IGNITE LIFE CENTER, INC.”. This assertion is incorrect, and in Plaintiff’s complaint, she has pleaded that Co-Defendant, CHRISTIAN VARGAS, was an *appointee, employee, agent, or servant* of both IGNITE LIFE CENTER, INC., and DISTRICT. Those distinctions were carefully pleaded because Co-Defendant, CHRISTIAN VARGAS, was a youth leader at Ignite Life Center’s church, and was specially trained as a leader, including training and oversight by DISTRICT, and was tasked with leadership positions over children of a sensitive age. This leadership position included access to, and supervision of sensitive aged children at events conducted by DISTRICT at Co-Defendant, IGNITE LIFE CENTER, INC.’s church property in Gainesville, FL. Additionally, Co-Defendant, CHRISTIAN VARGAS, was known as, “Staff” and was referred to in that way by parishioners of the church. He also happens to be the son of the head Pastor, Mark Vega.

4. The issue is that with regards to a Motion to Dismiss, DISTRICT must make their argument based on what is contained within the “Four corners” of the Complaint. When examining the sufficiency of a Complaint, “The Court must accept the facts alleged therein as true and all inferences that reasonably can be drawn from those facts must be drawn in favor of the pleader”. *Schneiderman v. Baer*, 334 So. 3d 326, 330 (Fla. 4th DCA 2022). Plaintiff has pleaded that Co-Defendant, CHRISTIAN VARGAS, the perpetrator, was an employee or agent of both IGNITE LIFE CENTER, INC., and DISTRICT.

5. Furthermore, DISTRICT’s claim that the Plaintiff has failed to state a cause of action against DISTRICT is simply untrue and that is evident by reading the Complaint. The cause of action has been pleaded with specificity, including the leadership role CHRISTIAN

VARGAS was given, as well as the particular events put on by DISTRICT at IGNITE LIFE CENTER, INC'S church where the alleged abuse occurred. This is why discovery is necessary, to flesh out the fine details of this information and determine what can or cannot be proved at trial.

6. Additionally, under its analysis of count IV, DISTRICT claims in its Motion to Dismiss that IGNITE LIFE CENTER, INC. is not a district affiliated church. This is also untrue and can be disproved by a simple internet search. On DISTRICT's own website, FMDAG.ORG/who-we-are/, under the heading "Who we are" you can do a simple search using Gainesville's zip code, and immediately IGNITE LIFE CENTER, INC.'s church pops up, with contact information, and listing head Pastor, Mark Vega. But again, that analysis isn't necessary at the present moment, because in her Complaint, Plaintiff has pleaded that IGNITE LIFE CENTER, INC. is a DISTRICT affiliated church. It will take discovery to flesh out that issue. The issue DISTRICT asserts would more properly be styled as a Motion for Summary Judgment.

7. Finally, DISTRICT attempts to circumvent the "Four Corners" rule discussed above, under roman numeral II of their Motion to Dismiss, by arguing that this Court lacks subject matter jurisdiction over matters of doctrine or church governance, and cites the "Ecclesiastical abstention doctrine".

8. The "Ecclesiastical Abstention Doctrine" is a First Amendment defense, and it fails when applied to the facts of this case. In *Malicki v. Doe, SC01-179 (2002)* the Florida Supreme Court ruled that the First Amendment does not provide a shield to third-party tort claims behind which a church may avoid liability for harm caused to an adult and a child parishioner arising from the alleged sexual assault or battery by one of its clergy. To put it

succinctly, the “Ecclesiastical Abstention Doctrine” is a common law doctrine that guides Courts when a case would require the Court to decide a religious question.

WHEREFORE, Plaintiff respectfully requests this Court to enter an Order denying Defendant, MULTICULTURAL DISTRICT COUNCIL OF THE ASSEMBLIES OF GOD, INC.’s Motion to Dismiss Counts IV and V of Plaintiff’s Complaint, and all other relief that this Court deems just.

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 2nd day of May, 2025: Keith Shevenell, Esq.

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