

**JOHN DOE and JANE DOE A/N/F of
MINOR, J.D.**

Plaintiff

V.

ROCKPORT-FULTON ISD
JODI CARTER
TEXAS COASTAL ACADEMY
JOSH NGUYEN
BRANDON NGUYEN
BRENNEN NGUYEN

Defendants

IN THE 156th DISTRICT COURT

COUNTY OF ARANSAS

STATE OF TEXAS

DEFENDANT’S MOTION TO STAY PROCEEDINGS

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now Defendant Texas Coastal Academy (“TCA”), and files its Motion to Stay Proceedings. TCA seeks the granting of this Motion not for the purpose of meaningless delay, but for justice and due process to prevail. TCA respectfully requests the Court to stay all proceedings in this civil matter, disallow discovery to be propounded, delay the deadline for initial disclosures, and delay ruling on any subsequent motions until there is resolution of the possible future criminal proceedings against Co-Defendant Josh Nguyen (“Mr. Nguyen”).

TCA is organized under Chapter 501(c)(3) of the Internal Revenue Code. It is governed by a Board of Directors and operated by an Executive Director. Mr. Nguyen serves as Executive Director of TCA, and is likely the only person from whom Plaintiff could expect to gain answers through Discovery. Operational knowledge recoverable from Board Members would be extremely limited. This Motion is a companion to Mr. Nguyen's Motion to Stay Proceedings. TCA's counsel has conferred with Plaintiff's counsel, and Plaintiff opposes this Motion. The remainder of this

Motion explains the jeopardy that would befall Mr. Nguyen if this suit is allowed to proceed typically.

Mr. Nguyen was arrested by the Rockport Police Department December 22, 2025 at his home in Rockport, Texas on accusation of two felony violations. Mr. Nguyen was released the following day on two bonds totaling one hundred thousand dollars (\$100,000.00).

As of the filing of this Motion, Mr. Nguyen is unaware of any presentment of the aforementioned charges for indictment to the Grand Jury of Aransas County by the Aransas County Attorney's Office. One of the offenses for which Mr. Nguyen was arrested is not subject to a limitation period under Article 12.01 of the Texas Code of Criminal Procedure.¹ Mr. Nguyen has received no indication from law enforcement or anyone with prosecutorial authority that his prosecution has been denied or that it is unlikely.

Prudence demands Mr. Nguyen proceed as though a criminal prosecution is imminent. Due to these facts, TCA respectfully requests the Court to stay the instant case and all associated proceedings. To allow the instant civil action to proceed would severely prejudice and disadvantage Mr. Nguyen with respect to any related criminal prosecution brought against him. Texas trial courts are vested with broad authority to control their dockets.² Courts have routinely recognized the propriety of staying proceedings when parallel criminal and civil proceedings can potentially negatively impact a litigant's invocation of constitutional rights.³

¹ Tex Code Crim. Proc. § 12.01(1)(B).

² See *Clanton v. Clark*, 639 S.W.2d 929, 931 (Tex. 1982).

³ See *Wheling v. Columbia Broadcasting Sys.*, 608 F.2d 1084, 1088–1089 (5th Cir. 1979) (holding that forcing a litigant to choose between asserting Fifth Amendment rights and maintaining a civil defense presents a constitutionally impermissible dilemma); *United States v. Kordel*, 397 U.S. 1, 12 n.27 (1970) (recognizing the propriety of staying civil proceedings pending the resolution of criminal proceedings).

As the Court is aware, outside of disclosures related to expert reports and testimony, discovery in criminal cases is one-sided, coming from the State to the criminal defendant. If the instant civil case is allowed to proceed to the discovery phase, it is likely that law enforcement and the prosecution will gain access to produced documents, answers to interrogatories, admissions, transcripts of depositions, etc. that would be otherwise unavailable to law enforcement and the prosecution within the context of ordinary criminal discovery procedures. This reality would undermine Mr. Nguyen's constitutional right to remain silent under the Fifth Amendment to the United States Constitution⁴ as well as Article 1, Section 10 of the Texas Constitution.⁵ Additionally, Mr. Nguyen's rights to substantive and procedural due process under the Fourteenth Amendment to the United States Constitution⁶ as well as Article 1, Section 19⁷ of the Texas Constitution would be jeopardized if the instant civil case is allowed to proceed.

To invoke these constitutional protections carries the potential of exposing Mr. Nguyen to serious and even crippling consequences and sanctions. It is undeniable that the allegations asserted by Plaintiff include the allegations for which Mr. Nguyen was arrested. Mr. Nguyen, in asserting his constitutional privileges, could be subjected to adverse inferences, denial of the submission of evidence, denial of the right to later testify, contempt, or default judgment. As the United States Supreme Court held in *Hoffman v. United States*, "To sustain the privilege, it need only be evident from the implications of the question, in the setting in which it is asked, that a

⁴ U.S. CONST. amend. V.

⁵ Tex. Const. art. I § 10.

⁶ U.S. CONST. amend. XIV, § 1.

⁷ Tex. Const. art. I § 19.

responsive answer to the question or an explanation of why it cannot be answered might be dangerous because injurious disclosure could result.”⁸

Granting this Motion will not unduly burden or impose any hardship on Plaintiff. The instant matter does not involve any situations where delay equates to denial. There is no business interest being withheld, there are no contractual rights being denied, and there are no impediments to Plaintiff engaging in all of life’s pursuits. Delay of the instant proceedings will impose no harm or prejudice on Plaintiff. Plaintiff’s claims will not extinguish, witnesses are not expected to become unavailable as a result of delay, and monetary damages remain available in the event liability can be established.

PRAYER

TCA prays that the Court considers and grants this Motion to Stay Proceedings until the expiration of the applicable limitations periods for all offenses arising from the allegations made in this lawsuit, or, if criminal charges are filed, until final disposition of all related criminal proceedings, including appeals.

Respectfully submitted,

/s/ Matt Ocker
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⁸ *Hoffman v. United States*, 341 U.S. 479, 486-487 (1973).

CERTIFICATE OF SERVICE

I certify that on July 1, 2026 a true and correct copy of Defendant's Original Answer was served on each person listed below by the method indicated.

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