

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,
IN AND FOR MARION COUNTY, FLORIDA**

JANE DOE, on behalf of herself and
others similarly situated,
Plaintiff,

CASE NO.: 22 CA 1627

vs.

CHARLES WILLIAM FIGEL,
Defendant.

**PLAINTIFF'S MOTION FOR CLASS CERTIFICATION AND INCORPORATED
MEMORANDUM OF LAW**

TABLE OF CONTENTS

Factual Background	4
MEMORANDUM OF LAW	7
I. The Class Satisfies the Requirements of Rule 1.220(A).....	7
The Class Is Sufficiently Numerous and Ascertainable.....	7
Plaintiff and Class Members Share Common Claims.....	9
Plaintiff's Claims Are Typical of the Claims of All Class Members.....	11
Plaintiff Is an Adequate Class Representative.	12
II. II. THE CLASS SATISFIES THE REQUIREMENTS OF RULE 1.220(b)(3).....	13
Common Questions of Law and Fact Predominate.....	14
Class Representation Is the Superior Method to Adjudicate This Controversy.....	17

TABLE OF AUTHORITIES

CASES

<i>Celebrity Cruises, Inc. v. Rankin</i> , 175 So. 3d 359 (Fla. 3d DCA 2015).....	14
<i>Freedom Life Ins. Co. v. Wallant</i> , 891 So. 2d 1109 (Fla. 4th DCA 2004)	7
<i>Herman v. Seaworld Parks & Ent., Inc.</i> , 320 F.R.D. 271 (M.D. Fla. 2017)	16, 18
<i>Manno v. Healthcare Revenue Recovery Grp., LLC</i> , 289 F.R.D. 674 (S.D. Fla. 2013).....	16
<i>McFadden v. Staley</i> , 687 So. 2d 357 (Fla. 4th DCA 1997)	10
<i>Morgan v. Coats</i> , 33 So. 3d 59	11, 17
<i>Petersen v. Am. Gen. Life Ins. Co.</i> , No. 3:14-CV-100-J-39JBT, 2016 WL 7365187 (M.D. Fla. Mar. 30, 2016).....	16
<i>Smith v. Glen Cove Apts. Condos. Master Ass 'n, Inc.</i> , 847 So. 2d 1107 (Fla. 4th DCA 2003)....	9, 10, 12
<i>Sosa v. Safeway Premium Fin. Co.</i> , 73 So. 3d 91 (Fla. 2011)	passim

Plaintiff, Jane Doe, on behalf of herself and all others similarly situated, by and through the undersigned counsel, pursuant to Florida Rule of Civil Procedure 1.220(b)(1) and 1.220(b)(3), respectfully move for class certification on the facts and authorities set forth in the following Memorandum of Law and attached Exhibits.

Factual Background

1. Plaintiff Jane Doe is a resident of Marion County, Florida, who was born in 1991. She brings this action individually and as the putative class representative on behalf of the class described below.

2. Plaintiff proposes to certify the following class:

All persons in the United States or elsewhere in the world, who, within the applicable statute of limitations preceding the filing of this action, were the victims of Abuse (means abuse of a sexual nature and any physical, mental, or psychological abuse (directly or indirectly related thereto) perpetrated by or with the participation of Charles William Figel. Sexual abuse includes a variety of non-consensual sexual conduct ranging from sexual comments, stalking, staring at a naked child and fondling to any type of sexual act.

3. Excluded from the class are:

- a. Defendant Charles William Figel;
- b. The judge to whom this case is assigned and any member of the judge's immediate family;
- c. All persons who properly execute and timely file a Request for Exclusion;
- d. All persons who have given valid releases releasing the Defendant from the claims asserted herein; and
- e. All persons who have obtained a judgment against Defendant Charles William Figel on the claims here presented on or before the date of the filing of this action.
- f. All persons and entities who timely opt out of this proceeding.

- g. All persons who, prior to the date of filing this action, have filed a non-class action claim against the Defendant for claims asserted here.
4. Defendant Charles William Figel was a resident of Broward County, Florida, and is at least sixty-nine (69) years of age at the time of filing. Figel's current location is unknown. Figel is a known pedophile who, upon information and belief, has sexually abused minor children across multiple geographic locations, both within the United States and internationally, over a period spanning decades.
 5. The facts giving rise to this action reflect a sustained, systematic, and deliberate pattern of sexual predation by Defendant Figel directed at minor children who were incapable of consenting to his conduct. Defendant Figel's abuse was not opportunistic or isolated. It was methodical: he repeatedly identified vulnerable child victims, cultivated access to them, engaged in grooming behaviors to normalize his exploitation, subjected them to sexual abuse, and in many instances documented that abuse through photography. This pattern was applied consistently across multiple victims, multiple locations, and an extended period of years.
 6. The declarations of Jane Doe **Exhibit A** and Mary Jane Doe, attached as **Exhibit B**, establish these facts from personal experience and direct observation.
 7. Beginning in approximately 1995, when Jane Doe was four (4) years old, and continuing through approximately the year 2000, when she was nine (9) years old, Defendant Figel subjected Jane Doe to repeated acts of sexual abuse on various occasions and at various locations. Defendant Figel's conduct included physical sexual touching—specifically, touching Jane Doe on her crotch and placing his hands on her body—carried out for Defendant Figel's own perverse sexual gratification. Jane Doe was a young child

throughout this period and was legally and actually incapable of consenting to any such conduct.

8. In addition to his physical abuse, Defendant Figel used photography as an instrument of exploitation. Over the same period, Defendant Figel repeatedly photographed Jane Doe—then between the ages of four and nine—in poses that were sexually suggestive and abusive. Jane Doe avers that Defendant Figel deliberately sought to photograph her in states of undress and nakedness. This use of photography served both to satisfy Defendant Figel's prurient interests and to further his control over his victims.
9. As a direct and proximate result of Figel's conduct, Jane Doe has suffered and continues to suffer significant and ongoing harm, including physical and psychological injury, post-traumatic stress, anxiety, impairment of her ability to work, loss of enjoyment of life, loss of peace of mind, and past and future expenses for medical and psychological treatment. Her injuries are permanent or continuing in nature.
10. Mary Jane Doe, the sister of Plaintiff Jane Doe, was likewise subjected to sexual abuse by Figel during her minority. Jane Doe personally witnessed Figel abuse her sister on numerous occasions. Mary Jane Doe's own declaration confirms that she was subjected to the same pattern of predatory conduct: Defendant Figel gained access to her as a child, engaged in grooming behaviors, subjected her to physical sexual touching, and photographed her in sexually exploitative poses.
11. The abuse inflicted upon Mary Jane Doe was not coincidental with the abuse inflicted upon Jane Doe. It was the product of the same deliberate methodology. Defendant Figel applied his predatory pattern to both sisters, demonstrating that his conduct was systematic rather

than situational. The consistency between the abuse of Jane Doe and the abuse of Mary Jane Doe is itself powerful evidence of a common course of conduct.

12. Like her sister, Mary Jane Doe has suffered significant and continuing harm as a direct result of Defendant Figel's abuse, including emotional distress, trauma-related symptoms, and impairment of her personal life and relationships.

13. The abuse of Jane Doe and Mary Jane Doe does not stand alone. Both declarants aver—based on personal communications, direct observations, and information developed through counsel's investigation—that Defendant Figel subjected numerous individuals, at least 25 or more were children, to sexual abuse consistent in nature and methodology with the abuse inflicted upon them. These additional victims include persons located both within the United States and internationally.

MEMORANDUM OF LAW

I. The Class Satisfies the Requirements of Rule 1.220(A).

To certify a class, a plaintiff must prove all elements required by Florida Rule of Civil Procedure 1.220, including the four elements of rule 1.220(a): numerosity, commonality, typicality, and adequacy. *See Sosa v. Safeway Premium Fin. Co.*, 73 So. 3d 91, 106 (Fla. 2011) (citation omitted).¹ The proposed Class clearly satisfies these requirements.

The Class Is Sufficiently Numerous and Ascertainable.

To satisfy numerosity, a court should consider whether joinder of claims among individuals would be "impracticable." Fla. R. Civ. P. 1.220(a)(1). Classes as small as twenty-five members

¹ In determining whether to certify a class, Florida trial courts routinely look to Federal Rule of Civil Procedure 23—the federal analogue to Rule 1.220—and federal case law interpreting Rule 23. *See Freedom Life Ins. Co. v. Wallant*, 891 So. 2d 1109, 1114 (Fla. 4th DCA 2004).

satisfy this requirement. *Estate of Bobinger v. Deltona Corp.*, 563 So. 2d 739, 743 (Fla. 2d DCA 1990).

The Class here includes a worldwide population of victims spanning multiple decades and multiple jurisdictions, which is at least twenty-five individuals and, upon information and belief, substantially more. For decades, Figel perpetrated this abuse throughout his travels. Joinder of each individual victim, many of whom are geographically dispersed across the United States and internationally, and many of whom have not yet come forward due to the psychological barriers commonly associated with childhood sexual trauma, would be wholly impracticable. The numerosity requirement is satisfied.

In addition to being sufficiently numerous, the Class is also ascertainable because “it is adequately defined such that its membership is capable of determination.” *Cherry v. Dometic Corp.*, 986 F.3d 1296, 1304 (11th Cir. 2021); *see also BJ's Wholesale Club, Inc. v. Bugliaro*, 273 So. 3d 1119, 1121 (Fla. 3d DCA 2019) (holding class is ascertainable when “the class definition contains objective criteria that allow for class members to be identified”).

The Class is objectively defined to include only those persons who: (1) were subjected to sexual abuse—defined to include physical sexual touching, sexually exploitative photography, sexual comments, stalking, fondling, or any other sexual act—perpetrated by or with the participation of Defendant Charles William Figel; and (2) bring their claims within the applicable statute of limitations. Membership in the class is therefore determinable by reference to objective, verifiable criteria—namely, the identity of the perpetrator, the conduct against the victim—rather than by reference to any subjective standard or individualized inquiry into the merits. The ascertainability requirement is satisfied.

Plaintiff and Class Members Share Common Claims.

“The primary concern in determining commonality is whether the representative members’ claims arise from the same course of conduct that gave rise to the other claims, and whether the claims are based on the same legal theory.” *Smith v. Glen Cove Apts. Condos. Master Ass’n, Inc.*, 847 So. 2d 1107, 1110 (Fla. 4th DCA 2003), *approved sub nom. Sosa*, 73 So. 3d at 91.

Every claim in this action, whether asserted by Jane Doe or any other member of the proposed class, arises from the same course of conduct: Defendant Charles William Figel’s deliberate, systematic, and repeated sexual predation of minor children. As established in the declarations of Jane Doe and Mary Jane Doe, and as detailed in the Factual Background section above, Defendant Figel did not engage in random or circumstantial misconduct. He employed a consistent and identifiable methodology across every known victim: he identified vulnerable minor children, cultivated positions of access and trust, engaged in grooming behaviors designed to normalize his exploitation and suppress disclosure, subjected his victims to physical sexual contact and sexually exploitative photography, and repeated his abuse over extended periods of time. This methodology was the engine of Defendant Figel’s predatory conduct, applied deliberately and repeatedly across the entire class.

The common course of conduct gives rise to common questions of fact that are central to every class member’s claim, including: whether Defendant Figel engaged in a systematic pattern of sexual abuse of minor children; whether that pattern was the product of a deliberate and repeated predatory methodology; whether Defendant Figel knew or should have known that his conduct would cause severe and lasting harm to his victims; and whether his conduct was so extreme and outrageous as to exceed all bounds of decency tolerated by civilized society. The answers to each

of these questions will be the same for every class member, derived from the same evidence, and resolved in a single proceeding. That is the essence of commonality.

The legal theories advanced in this action are identical as to every member of the class. Each class member asserts claims sounding in sexual battery, gross negligence, and intentional infliction of emotional distress—all arising from Defendant Figel’s predatory conduct during their respective minorities. The elements of each claim, the standard of liability, the nature of the duty owed, and the character of Defendant Figel’s conduct giving rise to liability are uniform across the class. No class member is required to advance a materially different legal theory, rely on a distinct body of law, or establish a category of wrongdoing that differs in kind from that experienced by any other class member. The legal framework is fully common to all.

Commonality does not require that every class member's factual experience be identical in every particular. It requires only that the claims “arise from the same course of conduct” and “are based on the same legal theory.” *Smith*, 847 So. 2d at 1110. The relevant inquiry is not whether Defendant Figel said the same words, touched the same places, or used the same camera on each occasion. The relevant inquiry is whether a single, unified course of predatory conduct by Defendant Figel is the common cause of all class members’ injuries. It is. Once a common course of conduct is established, individual defenses are insufficient to defeat commonality. *See McFadden v. Staley*, 687 So. 2d 357, 359 (Fla. 4th DCA 1997) (“Claims which arise out of the same course of conduct by a defendant but in differing factual contexts may be pled as a class action if they present a question of common interest.”). Commonality is easily satisfied even if there are differences in damages. *Id.*; *Sosa*, 73 So. 3d at 107. The fact that Defendant may have performed different types of abuse under varying factual scenarios to different victims does not negate commonality because commonality turns on whether there is a common course of conduct

perpetrated by the defendant. *Id.* Defendant Figel’s common course of conduct as to all class members is sufficient to satisfy the requirements of Rule 1.220(a)(2).

Plaintiff’s Claims Are Typical of the Claims of All Class Members.

“The key inquiry for a circuit court when it determines whether a proposed class satisfies the typicality requirement is whether the class representative possesses the same legal interest and has endured the same legal injury as the class members.” *Sosa*, 73 So. 3d at 114 (citation omitted). “Like the commonality requirement, the typicality requirement is permissive: representative claims are ‘typical’ if they are reasonably co-extensive with those of absent class members; they need not be substantially identical.” *In re Checking Overdraft Litig.*, 281 F.R.D. at 675 (citing *Brown v. SCO Funeral Servs. of Fla., Inc.*, 212 F.R.D. 602, 605 (S.D. Fla. 2003)). “The typicality requirement may be satisfied despite substantial factual differences . . . when there is a strong similarity of legal theories.” *Morgan v. Coats*, 33 So. 3d 59, 65 (cleaned up) (citation omitted); *see also Brain v. Phillip Morris Cos., Inc.*, 641 So. 2d 888, 892 (Fla. 3d DCA 1994) (finding typicality where “[a]ll class members seek the same relief”).

Here, Plaintiff alleges that she and Class members “all suffered the same injury,” which abuse at the hands of Defendant Figel. *Morgan*, 33 So. 3d at 65. She possesses the same legal interest as all class members—vindicating the right of minor children to be free from Defendant Figel's sexual predation and obtaining just compensation for the harm it caused. She has endured the same legal injury—childhood sexual abuse by Defendant Figel resulting in physical harm, psychological trauma, medical expenses, impaired working capacity, and loss of enjoyment of life. Her claims rest on the same three legal theories asserted on behalf of every class member. Thus, Plaintiff satisfies the typicality prong “by meeting the minimal requirement of showing that [she] possesse[s] the same interest and ha[s] suffered the same type of injury as the result of the class

members.” *Id.* “The fact that the *extent* of [her] injury (i.e., damages) might vary from that of the other class members does not bar a finding of typicality in this case.” *Id.* (citing *Ouellette v. Wal-Mart Stores, Inc.*, 888 So. 2d 90, 91 (Fla. 1st DCA 2004)).

Plaintiff Is an Adequate Class Representative.

Adequacy “is met if the named representative has interests in common with the proposed class members and the representative and his or her qualified attorneys will properly prosecute the class action.” *Smith*, 847 So. 2d at 1111 (finding plaintiffs adequate where they “seek the same relief . . . and they have suffered the same injury as the class members”). Here, “neither the Plaintiff nor [her] counsel have any interest that are antagonistic to those of the absent class members.” *In re Checking Overdraft Litig.*, 281 F.R.D. at 675.

“The central issues in this case—the existence, unlawfulness and effect of” Defendant Figel’s scheme to abuse minors—“are common to the claims of Plaintiff[] and the other members of the class.” *Id.* The “representative Plaintiff, like each absent class member, has a strong interest in proving [Defendant Figel’s] scheme, establishing its unlawfulness, demonstrating the impact of the illegal conduct and obtaining redress.” *Id.* (citation omitted). Plaintiff “thus share[s] the true interests of the class.” *Id.* (cleaned up) (first citation omitted) (citing *Hastings Murtagh v. Texas Air Corp.*, 119 F.R.D. 450,459 (S.D. Fla. 1988)). Like every class member, she seeks to establish Defendant Figel’s liability for his systematic sexual abuse of minor children and to obtain compensation for the physical, psychological, and economic harm that abuse caused. She has no competing financial interest, no conflicting legal position, and no personal or financial relationship with class counsel. Nothing in her individual circumstances would cause her to subordinate the interests of the class to her own.

Plaintiff has also submitted a declaration attesting to her adequacy as class representative. She is knowledgeable about the nature of this case and is ready and able to serve as a class representative. *See* (**Exhibits A & B**). Plaintiff has dedicated a significant amount of time to this litigation, is ready to respond to discovery and appear at deposition and will make herself available to testify at trial. *Id.* Further, Plaintiff understands her fiduciary duties as a class representative and affirms that she has no conflicts of interest with the victims whom she seeks to represent. *Id.* Given this evidence, the Court should readily determine that Plaintiff is an adequate representative of the Class.

Finally, the law firms seeking to represent the Class include qualified and experienced lawyers who are vigorously litigating class actions throughout the country. Plaintiff's Counsel's Declarations, attached as **Exhibits C and D**, demonstrate their experience and expertise in class actions. The Court should conclude that Plaintiff and the firms seeking appointment as Class Counsel will properly and adequately prosecute this case and appoint Plaintiff as Class representative and the Paul S. Rothstein P.A., Paul S. Rothstein and Kyla V. Lemieux as Class Counsel.

II. THE CLASS SATISFIES THE REQUIREMENTS OF RULE 1.220(b)(3).

In addition to the requirements of rule 1.220(a), “the proponent of class certification must satisfy one of the three subdivisions of rule 1.220(b).” *Sosa*, 73 So. 3d at 106. Plaintiff seeks to certify the Class pursuant to rule 1.220(b)(3), which provides that a class may be certified if “the questions of law or fact common to the claim or defense of the representative party and the claim or defense of each member of the class predominate over any question of law or fact affecting only individual members of the class,” and if “class representation is superior to other available methods for the fair and efficient adjudication of the controversy.” Fla. R. Civ. P. 1.220(b)(3).

Common Questions of Law and Fact Predominate.

“In a (b)(3) class action, not all issues of fact and law are common, but common issues predominate over individual issues.” *Celebrity Cruises, Inc. v. Rankin*, 175 So. 3d 359, 361 (Fla. 3d DCA 2015) (quoting *Porsche Cars N Am., Inc. v. Diamond*, 140 So. 3d 1090, 1095 (Fla. 3d DCA 2014) (citing Fla. R. Civ. P. 1.220(b)(3))). This occurs “when, considering both the rights and duties of the class members, the proof offered by the class representatives will necessarily prove or disprove the cases of the absent class members.” *Id.* “[A] class representative establishes predominance if he or she demonstrates a reasonable methodology for generalized proof of class-wide impact.” *Id.* (citation omitted). This can be accomplished “if he or she, by proving his or her own individual case, *necessarily* proves the cases of the other class members.” *Id.* The class representative’s case must not merely raise a common question; the proof of the class representative’s case must also “answer[] the question.” *Diamond*, 140 So. 3d at 1096 (citing *Sosa*, 73 So. 3d at 111).

The case poses the same basic legal question for all class members: whether (a) Defendant Figel engaged in a systematic course of sexual predation against minor children through a deliberate and repeated methodology of targeting, grooming, and abuse; and (b) Defendant Figel knew or should have known that his conduct would cause severe, lasting, and irreparable physical and psychological harm to each of his victims. “The answer to this question will essentially resolve the core dispute between [Defendant] and the class members.” *Rankin*, 175 So. 3d at 362.

Courts often conclude that classes where a defendant employs a common course of conduct, satisfy the predominance requirement. For example, in *In re Checking Overdraft Litigation*, 281 F.R.D. at 676, the trial court found predominance satisfied because the plaintiffs alleged that defendant’s “course of conduct commonly, and adversely, affected the entire class,

and have submitted evidence supporting the allegation. The class members are similarly situated regarding the readily determined, allegedly excess fees they have incurred as a result of a standardized process.” And the class “unified by common questions and a common interest” because the “evidence necessary to establish Plaintiffs’ claims is common to all members of the class.” *Id.* at 677. Similarly, in this case, Plaintiff and Class members’ claims all relate to Defendant's common course of conduct, and Defendant's liability to the class will involve the same evidence.

Similarly, in this case, Plaintiff and Class members’ claims all relate to Defendant Figel’s common course of conduct, and Defendant Figel’s liability to the class will involve the same evidence—namely, proof of Defendant Figel’s systematic predatory methodology, his deliberate targeting and grooming of minor children, his repeated infliction of sexual abuse across multiple victims, and his knowing disregard for the severe and lasting harm his conduct caused. That evidence does not change from class member to class member. It is common in origin, common in character, and common in the answer it provides: that Defendant Figel engaged in a sustained and purposeful campaign of sexual predation against a class of victims unified by their age, their vulnerability, and their shared inability to protect themselves from his abuse. Just as the standardized wrongful process in *In re Checking Overdraft Litigation* provided the common evidentiary thread that unified that class, Defendant Figel’s standardized predatory methodology provides the common evidentiary thread that unifies this one. Consequently, “[t]he evidence presented by the Plaintiffs has a direct impact on every class member’s effort to establish liability and on every class member's entitlement to relief.” *Id.* (citing *Klay v. Humana, Inc.*, 382 F.3d 1241, 1251 (11th Cir. 2004)).

“Additionally, even though the damages owed to class members may vary” based on the particular abuse in the hands of Defendant Figel, “[t]he fact that individualized damages issues will need to be resolved is not disqualifying of class certification.” *Herman v. Seaworld Parks & Ent., Inc.*, 320 F.R.D. 271, 296 (M.D. Fla. 2017) (citing *Allapattah Servs., Inc. v. Exxon Corp.*, 333 F.3d 1248, 1261 (11th Cir. 2003) (stating “the presence of individualized damages issues does not prevent a finding that the common issues in the class predominate”). Here, although there will be some factual variations among the claims of each class member, those variations go to the determination of each class member’s damages rather than to the elements of the claims. The actual claims are based on the same legal theories and are based on the same course of conduct by Defendant Figel.

Finally, Defendant Figel’s common defenses in this case strongly support certifying the Class. *See Petersen v. Am. Gen. Life Ins. Co.*, No. 3:14-CV-100-J-39JBT, 2016 WL 7365187, at *4 (M.D. Fla. Mar. 30, 2016) (concluding that “the common defense would apply to Plaintiff and other members of the putative class”); *Manno v. Healthcare Revenue Recovery Grp., LLC*, 289 F.R.D. 674, 690 (S.D. Fla. 2013) (concluding defense was “not an individualized issue defeating predominance, but [was] itself a question/defense common to the class as a whole”).

Any defense Defendant Figel advances—whether disputing the existence or systematic character of his predatory conduct, challenging the sufficiency of the evidence establishing his methodology, or contesting the causal connection between his abuse and class members’ injuries—will be directed at the same common course of conduct that forms the basis of every class member’s claim.

Class Representation Is the Superior Method to Adjudicate This Controversy.

When determining whether a class action is the superior means of adjudicating a controversy, courts consider: “(1) whether class action status would provide the plaintiffs with their only economically viable remedy; (2) whether there is a likelihood that the individual claims are sufficiently large to justify the expense of conducting separate litigation; and (3) whether the case is manageable as a class action.” *Morgan*, 33 So. 3d at 66 (citing *Liggett Grp. v. Engle*, 853 So. 2d 434, 445-56 (Fla. 3d DCA 2003), *approved in part and quashed on other grounds*, 945 So. 2d 1246 (Fla. 2006)).

In this case, these factors weigh heavily in favor of a finding of superiority. First, class treatment would provide many class members with their only economically viable remedy. The psychological barriers to individual litigation for survivors of childhood sexual abuse are well-documented and profound. According to the Rape, Abuse & Incest National Network (RAINN),² more than two out of three instances of sexual abuse go unreported. For victims who have not yet come forward—and the record supports the existence of numerous such individuals—proceeding anonymously as members of a certified class may represent the only realistic path to any form of legal redress. Permitting these claims to proceed collectively “would be the most economically viable remedy.” *Id.* at 67.

Second, it is unlikely that individual class members’ claims are sufficiently large, in isolation, to justify the expense of separate litigation against a defendant who has actively concealed his whereabouts and resisted service of process. The costs of independently investigating, filing, and prosecuting an individual claim against Defendant Figel—including the expense of locating him and litigating through judgment—would in many cases dwarf the practical

² <https://www.rainn.org/statistics/criminal-justice-system> (last visited May 11 , 2025).

recovery available to any single plaintiff. As courts have recognized, “[t]he fact that many claims will be small in relation to the costs and expenses of litigating the claims makes it highly unlikely that the claims would be pursued individually.” *Herman*, 320 F.R.D. at 299. Aggregating those claims in a single class proceeding eliminates that barrier and makes meaningful recovery achievable.

Third, this case is manageable as a class action. See **Exhibit E**, proposed Trial Plan. The liability questions are common, the legal theories are uniform, and the evidence establishing Defendant Figel’s predatory methodology is the same for every class member. Resolving those questions once, rather than in dozens or hundreds of separate proceedings, conserves judicial resources, eliminates the risk of inconsistent verdicts, and allows the sensitive subject matter at the heart of this litigation to be addressed in a single, controlled proceeding rather than relitigated repeatedly at substantial cost to the parties and the court. Superiority is satisfied. Accordingly, the Court should conclude that Plaintiff meets the superiority requirement for class action status. *See Sosa*, 73 So. 3d at 116 (concluding that superiority was satisfied because “[t]here are thousands of prospective class members and their small individual economic claims involving a \$20 overcharge are not so large as to economically justify each individual filing a separate action. Allowing [plaintiff] and the putative class members to proceed with this class action “is the most economically feasible remedy . . . as class action would be a more manageable and more efficient use of judicial resources than individual claims.”).

For the foregoing reasons, Plaintiff requests the Court to certify the Class and appoint class counsel as identified above.

Respectfully submitted this 22nd day of May 2026.

/s/ Paul S. Rothstein
Paul S. Rothstein
Fla. Bar No.: 310123
Attorney Paul S. Rothstein, P.A.
626 N.E First Street
Gainesville, Florida 32601
Tel: (352) 376-7650
Fax: (352) 374-7133
PSR@rothsteinforjustice.com
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY certify that on May 22, 2026, I electronically filed the foregoing PLAINTIFF'S MOTION FOR CLASS CERTIFICATION AND INCORPORATED MEMORANDUM OF LAW which will send a notice of electronic filing to all counsel of record in this action.

/s/ Paul S. Rothstein
Paul S. Rothstein

EXHIBIT A

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,
IN AND FOR MARION COUNTY, FLORIDA**

JANE DOE, on behalf of herself and
others similarly situated,
Plaintiff,

CASE NO.: 22 CA 1627

vs.

CHARLES WILLIAM FIGEL,
Defendant.

DECLARATION OF JANE DOE

I, Jane Doe, declare under penalty of perjury pursuant to the laws of the State of Florida
that the following is true and correct:

I. Introduction and qualifications

1. I am the named Plaintiff and putative class representative in the above-styled action.

I submit this Declaration in support of Plaintiff's Motion for Class Certification pursuant
to Florida Rule of Civil Procedure 1.220.

2. I have personal knowledge of the facts set forth and, if called as a witness, could and would
testify competently to the matters stated.

3. At all times material, I was a resident of Marion County, Florida. I am under 25 years of
age at the time of filing this Complaint.

II. The Abuse I Suffered

4. Beginning in approximately 1995, when I was four (4) years old, and continuing through
approximately 2000, when I was nine (9) years old, Defendant Charles William Figel
subjected me to repeated acts of sexual abuse on various occasions and at various locations.

5. Specifically, Defendant Figel, on multiple and recurring occasions, touched me on my crotch and placed his hands all over my body for his own perverse sexual gratification. These acts were unwanted and non-consensual. As a child of four to nine years of age, I was legally and actually incapable of consenting to any such conduct.
6. In addition to physical sexual abuse, Figel photographed me on numerous occasions and at various locations when I was between the ages of four (4) and nine (9) years old. These photographs showed me in poses that were sexually suggestive and abusive. It was apparent to me, even as a child, that Defendant Figel deliberately sought to photograph me in states of undress and nakedness.
7. The abuse I suffered was not isolated or spontaneous. Defendant Figel employed a consistent and deliberate methodology: he would create opportunities for private access to me, engage in grooming behaviors to normalize his conduct, photograph me in sexually exploitative poses, and subject me to repeated physical sexual contact. This pattern was systematic and intentional.
8. As a direct result of Defendant Figel's conduct, I have suffered and continue to suffer significant physical and psychological injuries, including but not limited to: emotional distress, anxiety, post-traumatic stress symptoms, disruption to my ability to maintain normal relationships, impairment of my ability to work, loss of enjoyment of life, loss of peace of mind, and expenses for medical and psychological treatment. These injuries are permanent or continuing in nature.

III. Observations Regarding Other Victims — Basis for Class Allegations

9. I personally witnessed Defendant Figel engage in the same course of sexual abuse upon my sister, Mary Jane Doe, on numerous occasions. The abuse inflicted upon my sister mirrored the abuse inflicted upon me: it involved physical sexual touching, inappropriate

photography, and the same pattern of grooming and exploitation. This confirmed to me that Defendant Figel's conduct toward me was not unique or incidental, but rather part of a repeated pattern of predatory behavior directed at children.

10. Through communications with family members, other individuals who came into contact with Defendant Figel, and through my counsel's investigation, I have learned that Defendant Figel's pattern of predatory conduct against minor children was not limited to me or my sister. Based on information relayed to me and to my counsel, I am aware that Figel subjected numerous individuals—including several children—to sexual abuse consistent with the abuse inflicted upon me. These additional victims include persons located in the United States as well as internationally.
11. The abuse inflicted upon these other individuals—as I understand it—shared the same hallmarks as the abuse inflicted upon me: (a) victims were minor children; (b) Defendant Figel obtained private access to these children; (c) Defendant Figel engaged in grooming behaviors; (d) Defendant Figel subjected these children to inappropriate touching of a sexual nature; (e) Defendant Figel photographed some of these children in sexually exploitative poses; and (f) the abuse continued over extended periods of time. This establishes a common course of conduct.
12. Based on my personal observations, my communications with other individuals, and my counsel's investigation, I believe and therefore declare that Defendant Figel's predatory conduct against minor children was systematic—meaning it reflected a deliberate, repeated, and methodical pattern of behavior rather than any isolated or spontaneous act.

13. Defendant Figel engaged in the same sequence of preparatory and predatory behaviors with each victim, adapted to each victim's circumstances but unified by the same predatory purpose.
14. The systematic nature of Defendant Figel's conduct is further evidenced by: (a) his use of photography as a tool of exploitation across multiple victims; (b) his repeated targeting of young children who were in vulnerable circumstances; (c) the geographic breadth of his conduct, which spanned multiple locations; and (d) the temporal extent of his conduct, which, upon information and belief, continued over the course of years and across multiple jurisdictions.

IV. Class Representative Commitment

15. I wish for this case to proceed to resolution on its merits. I am prepared to fulfill the role of class representative for the benefit of all proposed class members, including the Student Class and the Family Class as defined in the Complaint.
16. As class representative, I commit to: (a) maintaining regular contact with class counsel; (b) reviewing court filings and declarations submitted on behalf of the class; (c) attending depositions and court proceedings as requested; (d) cooperating fully in the preparation and production of discovery; and (e) remaining available to assist with this litigation through final judgment.
17. My interests are not antagonistic to, and do not conflict with, the interests of any other class member. I have no business relationship with class counsel beyond this representation and am not related to any member of the firm representing me. Nothing about my individual circumstances would prevent me from zealously and fairly representing the class.

18. I understand that as class representative, my primary obligation is to the class, and I intend to honor that obligation throughout this litigation.

I declare under penalty of perjury under the laws of the State of Florida that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 22.00 day of May 2026.

Signed by:

0BBF33DB84D74A0...

EXHIBIT B

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,
IN AND FOR MARION COUNTY, FLORIDA**

JANE DOE, on behalf of herself and
others similarly situated,
Plaintiff,

CASE NO.: 22 CA 1627

vs.

CHARLES WILLIAM FIGEL,
Defendant.

DECLARATION OF MARY JANE DOE

I, Mary Jane Doe, declare under penalty of perjury pursuant to the laws of the State of Florida that the following is true and correct:

I. Introduction

1. I am the sister of Jane Doe, the named Plaintiff and putative class representative in the above-styled action. I submit this Declaration in support of Plaintiff's Motion for Class Certification pursuant to Florida Rule of Civil Procedure 1.220.
2. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently to the matters stated.
3. I submit this Declaration voluntarily, based on my own direct experience as a victim of Defendant Charles William Figel's abuse, as well as my personal observations regarding his conduct toward my sister Jane Doe and others.

II. The Abuse I Suffered

4. I was personally subjected to sexual abuse by Defendant Charles William Figel. Defendant Figel's abuse was ongoing and occurred over a period of years during which I was a minor child.

5. Like the abuse suffered by my sister Jane Doe, Defendant Figel's conduct toward me included inappropriate physical touching of a sexual nature, photographing me in sexually exploitative poses, and grooming behaviors designed to normalize his predatory access to me.
6. The abuse inflicted upon me was not the product of accident or opportunity. Defendant Figel deliberately cultivated access to me and engaged in a consistent and repeated pattern of abusive conduct. The methodology he employed against me was the same methodology he employed against my sister: gaining trusted access to a child, isolating the child, engaging in escalating sexual contact, and documenting the abuse through photography.
7. As a direct result of Defendant Figel's conduct, I have suffered and continue to suffer significant and ongoing physical and psychological harm, including emotional distress, anxiety, trauma-related symptoms, impairment of my personal relationships, and loss of enjoyment of life.

III. Observations of Abuse of Jane Doe and Others — Basis for Class Allegations

8. I personally witnessed Defendant Figel subject my sister, Jane Doe, to the same course of sexual abuse that he inflicted upon me. I observed this abuse on numerous occasions. The abuse of Jane Doe was not isolated; it was repeated and systematic, and it followed the same pattern as the abuse Defendant Figel inflicted upon me.
9. Based on my personal observations, my direct experience as a victim, my communications with others who came into contact with Figel, and information provided to me through my sister's counsel's investigation, I am aware of the existence several individuals—many of whom were children—who were subjected to sexual abuse by Defendant Figel consistent in nature and method with the abuse inflicted upon me and upon Jane Doe.
10. These additional victims, to the best of my knowledge and belief, include persons located both within the United States and abroad. This is consistent with my understanding that Defendant

Figel traveled extensively and exploited his mobility to gain access to minor children in multiple geographic locations, thereby furthering his predatory conduct across jurisdictions.

11. In each instance of which I am aware, Defendant Figel's abuse reflected the same systematic pattern: (a) targeting vulnerable minor children; (b) cultivating a position of access or trust; (c) engaging in grooming behaviors to reduce resistance and normalize sexual contact; (d) subjecting victims to physical sexual touching; (e) photographing victims in sexually suggestive or explicit poses; and (f) repeating this abuse over extended periods. This is not the behavior of an opportunistic offender—it is a deliberate and rehearsed methodology applied consistently across multiple victims.
12. The breadth of Figel's conduct—spanning multiple victims, multiple locations, and multiple years—further supports the conclusion that his abuse was not incidental but was instead part of a sustained, purposeful, and systematic course of predatory conduct directed at minor children who were unable to protect themselves.
13. Based on my direct personal experience as a victim of Defendant Figel's abuse, my observations of his abuse of my sister Jane Doe, and information I have received regarding other victims, I believe that Defendant Figel's predatory conduct affected several individuals, many of whom are children, that the abuse was systematic and followed a common course of conduct, and that this matter is properly maintainable as a class action for the benefit of all victims.
14. I support the prosecution of this class action and believe it represents the fairest and most effective means by which the many victims of Figel's predatory conduct can seek justice and compensation.

I declare under penalty of perjury under the laws of the State of Florida that the foregoing is true and correct to the best of my knowledge and belief.

Executed this ^{21.00}_____ day of May 2026.

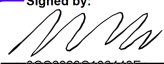
Signed by:

0CC8023C106448E...

EXHIBIT C

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,
IN AND FOR MARION COUNTY, FLORIDA**

JANE DOE, on behalf of herself and
others similarly situated,
Plaintiff,

CASE NO.: 22 CA 1627

vs.

CHARLES WILLIAM FIGEL,
Defendant.

DECLARATION OF PAUL S. ROTHSTEIN

I, Paul S. Rothstein, declare as follows:

1. I am an attorney of record in the above styled action and one of the attorneys of record for Plaintiffs. I submit this Declaration in Support of Plaintiff's Motion for Class Certification pursuant to rule Florida Rule of Civil Procedure 1.220(b)(1) and 1.220(b)(3).
2. I am personally familiar with the facts set forth in this Declaration. If called as a witness, I could and would testify to the matters stated herein.
3. I became a member of The Florida Bar in 1980.
4. My experience in class action litigation and complex litigation includes my representation of clients in the following cases:

Rivera-Melo v. Service Quick, Inc., et al., Superior Court of the State of California County of Los Angeles, No.: 20STCV20962 (Class Certification Denied)

Lead Counsel: *Bronson. et al. v. Samsung Electronics America, Inc.*, USDC Northern District of California, No.: 3:18-cv-02300-WHA (Class Action, Certification for Settlement Purposes)

Lead Counsel: *Ware, et al. v. Best Buy Stores, L.P.*, Cook County, Illinois, Case No. 2021 CH 04264 (Class Action)

Browning, et al. v. The University of Florida Board of Trustees.,
Alachua County, Florida, CASE NO.: 2019 CA 3236

In re: Deere & Company Repair Services Antitrust Litigation, USDC Northern
District of Illinois, 3:22-cv-50188 (Antitrust litigation ongoing)

In re: Payment Card Interchange Fee And Merchant Discount Antitrust Litigation,
USDC Eastern District of New York, No. 05-MD-01720 (MKB) (JO) (Representing
Objector/Proposed Intervenor/Proposed Subclass representative Jack Rabbit)

In re: Endo International plc, et al., United States Bankruptcy Court Southern
District of New York, Case No. 22-22549 (JLG) (Counsel for Independent
Emergency Room Physician Selected to be a member of Opioid Creditor Ctee)

In re: Mallinckrodt plc, et al., United States Bankruptcy Court Southern District of
Delaware, Case No. 20-12522 (JTD) (Counsel for Independent Emergency Room
Physician Selected to be a member of Opioid Creditor Ctee)

In re: Valsartan, Losartan, And Irbesartan Products Liability Litigation, USDC New
Jersey, Case No. 1:19-md-02875 (RBK) (SAK) (Member of the Plaintiffs' Steering
Committee)

Co-lead Counsel: *Lee-Bolton et al. v. Koppers Inc. et al.*, 1:10-cv-253- MCR-GRJ;
United States District Court, Northern District of Florida (Class Certification Denied)

Lead Counsel: *Ortega v. Chevron, et al.*, 4:14-cv-02416, Southern District of Texas
(Houston Division) (Class Certified for settlement purposes)

Co-lead Counsel: *Yariv. et al. v. AT&T Corp., et al.*, SOM-L-272-05 Superior Court
of New Jersey, Somerset County (Class Certified, case settled.)

Hill v. The Hoover Company, et al., 01-2005-CA-759
Eighth Judicial Circuit in and for Alachua County Florida (Class Certification
Denied)

Sunfower Health, Inc., v. First Data Corp., et al., 1:15-cv-00128-MW-GRJUSDC
Northern District of Florida, Gainesville Division (Case Compelled to
Arbitration)

Hall et al., v. SeaWorld Entertainment Inc., 3:15-cv-00660-CAB-RBB
USDC Southern District of California (Dismissed on Appeal)

Seiwert et al., v. Volkswagen Group of America, et al., 6:15-cv-01728-RBD-GJK
USDC Middle District of Florida, Orlando Division (Pending on appeal as to fee
request for non-appointed class counsel)

Garmey. et al. v. Perry. et al., Nevada state court - Las Vegas. (Class certified and settlement approved by court.)

Fiala v. Metropolitan Life Ins. Co. New York state court, New York, New York. (Class certified; case settled.)

Wise. et al. v. Correctional Medical Services. et al., 97-665-CAA Marion County, Florida (Class certified, de-certified on appeal, case settled.)

Cox v. Shell Oil Company, et al., Chancery Court for Obion County, Tennessee, at Union City, Tennessee; (Class Action – Defective Product)

Spencer et al. v. Shell Oil Company, et al., Circuit Court of Greene County, Alabama; (Class Action – Defective Product)

Viera v. Hoechst Celanese Corporation, Shell Oil Company d/b/a Shell Chemical Company; E.I. Dupont et al., Circuit Court of the 11th Judicial Circuit, Dade County, Florida; (Class Action – Defective Product)

Walker v. State Farm Mutual Automobile Insurance Company and State Farm Fire and Casualty Company, Circuit Court of the 11th Judicial Circuit, Dade County, Florida; (Class Action – Insurance)

Campbell. et al. v. Braun. et al., 98-8605-CAA Marion County, Florida (Class certified, de-certified on appeal.)

Dunmore. et al. v. The Progressive Corporation. et al. MDL Docket No.: 1519 USDC Northern District of Florida (Putative class - different class complaint certified for settlement purposes. Mr. Rothstein, in association with other counsel, on behalf of Ms. Dunmore, objected to the proposed settlement which objection was originally sustained; settlement terms changed and subsequent objection was denied as was the motion to appoint different class counsel and class representatives.)

Hunter's Ridge. et al. v'. Georgia-Pacific Corporation, et al.
USDC Middle District of Florida (Complex litigation, not a class action.)

5. I have no conflict of interest in representing Plaintiff or members of the putative class(es).

6. I have the financial resources to see this litigation to conclusion, including any trial or defense or prosecution of any appeal.

Executed this 22nd day of May 2026.

/s/ Paul S. Rothstein
Paul S. Rothstein
Fla. Bar No.: 310123
Attorney Paul S. Rothstein, P.A.
626 N.E First Street
Gainesville, Florida 32601
Tel: (352) 376-7650
Fax: (352) 374-7133
PSR@rothsteinforjustice.com
Attorney for Plaintiff

EXHIBIT D

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,
IN AND FOR MARION COUNTY, FLORIDA**

JANE DOE, on behalf of herself and
others similarly situated,
Plaintiff,

CASE NO.: 22 CA 1627

vs.

CHARLES WILLIAM FIGEL,
Defendant.

DECLARATION OF KYLA V. LEMIEUX

I, Kyla V. Lemieux, declare as follows:

1. I am an attorney of record in the above styled action and one of the attorneys of record for Plaintiffs. I work for Paul S. Rothstein P.A. I submit this Declaration in Support of Plaintiff's Motion for Class Certification pursuant to rule Florida Rule of Civil Procedure 1.220(b)(1) and 1.220(b)(3).
2. I am personally familiar with the facts set forth in this Declaration. If called as a witness, I could and would testify to the matters stated herein.
3. I became a member of The Florida Bar in 2010. My other state bar licenses include the State of Maine and the State of California.
4. My experience in class action litigation and complex litigation includes the following cases:

Rivera-Melo v. Service Quick, Inc., et al., Superior Court of the State of California County of Los Angeles, No.: 20STCV20962 (Class Certification Denied)

Bronson. et al. v. Samsung Electronics America, Inc., USDC Northern District of California, No.: 3:18-cv-02300-WHA (Class Action, Certification for Settlement Purposes)

Ware, et al. v. Best Buy Stores, L.P., Cook County, Illinois, Case No. 2021 CH 04264 (Class Action)

Browning, et al. v. The University of Florida Board of Trustees., Alachua County, Florida, CASE NO.: 2019 CA 3236

In re: Deere & Company Repair Services Antitrust Litigation, USDC Northern District of Illinois, 3:22-cv-50188 (Antitrust litigation ongoing)

In re: Payment Card Interchange Fee And Merchant Discount Antitrust Litigation, USDC Eastern District of New York, No. 05-MD-01720 (MKB) (JO) (Representing Objector/Proposed Intervenor/Proposed Subclass representative Jack Rabbit)

In re: Endo International plc, et al., United States Bankruptcy Court Southern District of New York, Case No. 22-22549 (JLG) (Counsel for Independent Emergency Room Physician Selected to be a member of Opioid Creditor Ctee)

In re: Mallinckrodt plc, et al., United States Bankruptcy Court Southern District of Delaware, Case No. 20-12522 (JTD) (Counsel for Independent Emergency Room Physician Selected to be a member of Opioid Creditor Ctee)

In re: Valsartan, Losartan, And Irbesartan Products Liability Litigation, USDC New Jersey, Case No. 1:19-md-02875 (RBK) (SAK) (Member of the Plaintiffs' Steering Committee)

Lee-Bolton et al. v. Koppers Inc. et al., 1:10-cv-253- MCR-GRJ; United States District Court, Northern District of Florida (Class Certification Denied)

Ortega v. Chevron, et al., 4:14-cv-02416, Southern District of Texas (Houston Division) (Class Certified for settlement purposes)

Hill v. The Hoover Company, et al., 01-2005-CA-759
Eighth Judicial Circuit in and for Alachua County Florida (Class Certification Denied)

Sunfower Health, Inc., v. First Data Corp., et al., 1:15-cv-00128-MW-GRJUSDC
Northern District of Florida, Gainesville Division (Case Compelled to Arbitration)

Hall et al., v. SeaWorld Entertainment Inc., 3:15-cv-00660-CAB-RBB
USDC Southern District of California (Dismissed on Appeal)

5. Prior to my admittance to any states' bar, my experience in class action litigation and complex litigation includes the following cases:

Yariv. et al. v. AT&T Corp., et al., SOM-L-272-05 Superior Court of New Jersey,
Somerset County (Class Certified, case settled)

6. I have no conflict of interest in representing Plaintiff or members of the putative
class(es).

Executed this 22nd day of May 2026.

/s/ Kyla V. Lemieux
Kyla V. Lemieux
Fla. Bar No.: 83988
Attorney Paul S. Rothstein, P.A.
626 N.E First Street
Gainesville, Florida 32601
Tel: (352) 376-7650
Fax: (352) 374-7133
Kyla.tm@rothsteinforjustice.com
Attorney for Plaintiff

EXHIBIT E

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,
IN AND FOR MARION COUNTY, FLORIDA**

JANE DOE, on behalf of herself and
others similarly situated,
Plaintiff,

CASE NO.: 22 CA 1627

vs.

CHARLES WILLIAM FIGEL,
Defendant.

**PLAINTIFF'S PROPOSED TRIAL PLAN IN SUPPORT OF
MOTION FOR CLASS CERTIFICATION**

I. INTRODUCTION AND PURPOSE OF THIS TRIAL PLAN

Plaintiff Jane Doe respectfully submits this Trial Plan to demonstrate that the claims of the proposed Class are manageable as a certified class action and that the common questions of law and fact predominate over any individual issues. See Fla. R. Civ. P. 1.220(b)(3). This Trial Plan sets forth how the litigation will be structured, how common and individual issues will be tried, how class member claims will be administered, and how any damages will be established and distributed, consistent with Florida Rule of Civil Procedure 1.220 and its federal analogue, Federal Rule of Civil Procedure 23.

This case arises from the decades-long, systematic, and predatory sexual abuse of minor children by Defendant Charles William Figel. As detailed in Plaintiff's Motion for Class Certification and Incorporated Memorandum of Law, Defendant Figel employed a consistent and identifiable methodology—targeting vulnerable children, cultivating access, engaging in grooming, inflicting physical sexual abuse, and documenting that abuse through photography—across at least twenty-five (25) victims spanning multiple decades and geographic locations. This common course of predatory conduct is the heart of the Class's claims and is fully amenable to class-wide proof.

The proposed Trial Plan addresses three objectives: (1) confirming that liability questions common to the entire Class can and will be tried together; (2) showing how individualized damages will be determined efficiently following a liability verdict; and (3) demonstrating that class-wide claims management—including notice, opt-out procedures, and claims administration—is feasible and will protect the interests of absent class members.

II. PROPOSED TRIAL STRUCTURE

The trial of this action will proceed in a bifurcated structure, separating: (1) Class-wide liability and common issues (Phase I); and (2) Individualized damages determinations (Phase II). This bifurcated approach is consistent with Florida class action practice and serves judicial efficiency by resolving common issues of liability—which dominate this case—before proceeding to any individualized inquiries.

Phase	Description	Key Issues / Evidence
Phase I	Class-Wide Liability Trial	Existence, nature, and scope of Defendant’s predatory methodology; establishment of common course of conduct; liability elements common to all class members; punitive damages basis.
Phase II	Individual Damages Proceedings	Individualized harm, causation, and compensatory damages for each class member; mini-hearings or Special Master proceedings; structured claims administration.

A. Phase I: Class-Wide Liability Trial

Phase I will be tried before the jury and will resolve all questions of liability that are common to the Class. The class-wide liability trial will establish:

- Whether Defendant Figel engaged in a systematic pattern and practice of sexual predation against minor children;

- Whether Defendant Figel employed a deliberate and recurring predatory methodology comprising: (a) identification of vulnerable minor victims; (b) cultivation of access and trust; (c) grooming behaviors designed to normalize exploitation and suppress disclosure; (d) physical sexual abuse, including touching and fondling; and (e) sexually exploitative photography of victims;
- Whether Defendant Figel's conduct constituted sexual battery under Florida law as to each class member;
- Whether Defendant Figel's conduct constituted gross negligence, establishing that he was consciously indifferent to the severe and lasting harm his conduct would cause;
- Whether Defendant Figel's conduct constituted intentional infliction of emotional distress, establishing that his conduct was so extreme and outrageous as to exceed all bounds of decency tolerated by a civilized society;
- Whether Defendant Figel knew or should have known that his predatory methodology would cause severe, irreparable physical and psychological harm to each victim; and
- Whether Defendant Figel's conduct warrants the imposition of punitive damages, and, if so, the appropriate punitive multiplier or amount.

The answers to these questions will be determined once, on the basis of common evidence, and will apply to every member of the Class. A favorable verdict in Phase I will establish class-wide liability and will not require re-litigation of these foundational issues in Phase II.

1. *Evidence to Be Presented in Phase I*

The following categories of evidence will be presented in Phase I to establish class-wide liability:

1. Declarations and Trial Testimony of Named Plaintiffs and Class Member Witnesses. Jane Doe and Mary Jane Doe will testify to the common predatory methodology employed by Defendant Figel, including his grooming behavior, his use of photography as an instrument of exploitation, and the consistency of his conduct across multiple victims. Their testimony, corroborated by other class member witnesses, will establish the systematic and deliberate character of Defendant Figel's predation as a class-wide fact.
2. Expert Testimony on Child Sexual Abuse and Grooming Dynamics. Plaintiff may present expert testimony from a qualified forensic psychologist or clinical expert in child sexual abuse to explain: (a) the recognized behavioral patterns associated with serial child sexual predators; (b) the grooming process and its operation as a deliberate, systematic methodology; (c) the consistency of Defendant Figel's documented conduct with the established profile of a serial offender; and (d) the long-term psychological impact commonly experienced by survivors of childhood sexual abuse. This testimony will reinforce that the common course of conduct is not a matter of coincidental similarity but of recognized, predictable predatory behavior.
3. Testimony of Investigating Counsel or Investigative Experts. To the extent that investigative work has produced evidence of additional known or identifiable victims, such evidence may be presented through appropriate witnesses to establish the breadth and scope of Defendant Figel's predatory conduct.

2. Common Legal Standards Applicable in Phase I

Each of the three legal theories advanced in this action—sexual battery, gross negligence, and intentional infliction of emotional distress—is fully amenable to class-wide proof in Phase I,

as the essential elements of each claim derive from Defendant Figel's common course of predatory conduct.

Sexual Battery: Under Florida law, a sexual battery is an offense against the person of another through sexual contact or sexual activity. The class-wide proof will establish that Defendant Figel engaged in such contact with each class member during their minority, without any legal capacity for consent.

Gross Negligence: Gross negligence under Florida law requires a showing of conscious indifference to the rights, safety, or welfare of persons affected. The class-wide proof will establish that Defendant Figel's knowing, deliberate, and repeated predatory conduct constituted conscious indifference to the devastating harm he inflicted upon each victim.

Intentional Infliction of Emotional Distress: Florida law requires proof of intentional or reckless conduct that is extreme and outrageous, causing severe emotional distress. The common course of predatory conduct—including grooming, physical sexual abuse, and sexually exploitative photography of minor children—plainly satisfies this standard and will be established through common evidence in Phase I.

3. *Punitive Damages Determination in Phase I*

Plaintiff will also seek a determination in Phase I as to whether Defendant Figel's conduct warrants an award of punitive damages. Under Florida Statute § 768.72 and Florida case law, the threshold question—whether the evidence supports a claim for punitive damages—is itself amenable to class-wide proof, as it turns on the nature, intent, and pattern of Defendant Figel's conduct rather than any individual class member's circumstances. The Court may make a punitive damages finding applicable to the class as a whole in Phase I, reserving apportionment to Phase II.

B. Phase II: Individualized Damages Proceedings

Following a liability verdict in Phase I, Phase II will address the individualized damages of each class member. Although individualized damages proceedings will vary from class member to class member, the existence of individualized damages questions does not defeat class certification. See *Allapattah Services, Inc. v. Exxon Corp.*, 333 F.3d 1248, 1261 (11th Cir. 2003); *Herman v. Seaworld Parks & Ent., Inc.*, 320 F.R.D. 271, 296 (M.D. Fla. 2017). Florida courts have long recognized that damages may differ among class members without undermining the propriety of class treatment. *Sosa v. Safeway Premium Fin. Co.*, 73 So. 3d 91, 107 (Fla. 2011).

1. Categories of Individual Damages

In Phase II, each class member will be entitled to seek individualized compensation for the following categories of damages, established through the claims administration process described below:

- Physical harm and bodily injury resulting from Defendant Figel's abuse;
- Psychological and emotional harm, including post-traumatic stress disorder, anxiety, depression, and related trauma-based conditions;
- Past and future expenses for medical, psychiatric, and psychological treatment;
- Impairment of the ability to work or earn income;
- Loss of enjoyment of life and loss of peace of mind; and
- Any other compensatory damages proximately caused by Defendant Figel's abuse.

2. Proposed Mechanism for Phase II Damages Determinations

To manage Phase II efficiently and protect the interests of class members—many of whom may experience significant psychological barriers to participation in adversarial proceedings—Plaintiff proposes the following claims administration structure:

1. Court-Appointed Special Master. Plaintiff proposes that the Court appoint a Special Master under Florida Rule of Civil Procedure 1.490 to oversee Phase II claims administration. The Special Master will review individual claims submissions, take evidence as necessary, and issue recommendations as to each class member's damages. This approach is consistent with class action practice and has been approved in analogous proceedings. See Fla. R. Civ. P. 1.490(b).
2. Standardized Proof of Claim Process. Each class member will submit a Proof of Claim form, developed with input from class counsel and subject to Court approval. The Proof of Claim will capture: (a) the claimant's identity and contact information (subject to applicable confidentiality protections); (b) the approximate dates and locations of the abuse suffered; (c) a description of the nature and extent of the abuse; (d) the categories of harm and damages claimed; and (e) supporting documentation, including medical records, treatment records, and declarations.
3. Trauma-Informed Proceedings. Given the sensitive nature of this litigation and the well-documented psychological barriers faced by survivors of childhood sexual abuse, Plaintiff proposes that Phase II proceedings be conducted on a trauma-informed basis. This may include: (a) permitting class members to submit claims under pseudonym or seal; (b) allowing written declarations in lieu of in-person testimony where appropriate; (c) permitting class members to proceed anonymously in all public filings; and (d) implementing appropriate confidentiality protections for submitted claims.
4. Tiered Damages Framework. Where appropriate, the Special Master may employ a tiered or grid-based damages framework to promote consistency and efficiency across individual determinations. Such a framework would group claims by objective severity indicators—

such as duration and nature of abuse, age of victim at time of abuse, documented medical or psychological treatment, and demonstrated economic impact—and assign baseline damages ranges within each tier. Individual class members would then have the opportunity to present additional evidence to support departures from baseline amounts based on their particular circumstances.

5. Allocation of Punitive Damages. If Phase I results in a punitive damages award, the Special Master will oversee allocation of punitive damages among class members in Phase II, consistent with the Court’s instructions and applicable Florida law.

III. PRE-TRIAL MANAGEMENT

Efficient pre-trial management will be critical to the orderly conduct of this class action.

Plaintiff proposes the following pre-trial schedule and procedures.

A. Class Notice

Upon certification of the Class, Plaintiff’s Counsel will submit a proposed Class Notice plan to the Court for approval pursuant to Florida Rule of Civil Procedure 1.220(d)(3). The Class Notice will:

- Describe the nature of the action and the class definition;
- Inform class members of the right to exclude themselves from the Class within a specified opt-out period;
- Provide contact information for class counsel;
- Inform class members of the pendency of the action and the anticipated trial schedule;
- Be disseminated through a combination of direct mail (to the extent class member addresses are ascertainable), publication notice in relevant geographic areas, and online notice to maximize reach to geographically dispersed and international class members; and

- Make specific provision for anonymous or pseudonymous participation, in recognition of the psychological barriers commonly associated with public disclosure of childhood sexual abuse.

B. Discovery

Pre-trial discovery will be focused on developing and preserving the common evidence necessary for the Phase I liability trial. Plaintiff anticipates that relevant discovery will include:

- Depositions of Defendant Figel, to the extent he is located and served, addressing his background, travel history, access to minor children, and the conduct forming the basis of the Class's claims;
- Third-party discovery directed to any individuals, organizations, or entities that facilitated Defendant Figel's access to minor children;
- Discovery relating to any prior civil, criminal, or administrative proceedings involving Defendant Figel;
- Expert disclosures and depositions, including Plaintiff's forensic psychology expert and any defense experts;
- Document discovery relating to any known records of Defendant Figel's conduct, travel, photography, or communications with or about minor children.

Plaintiff's Counsel will coordinate discovery with class members on a voluntary and trauma-informed basis, providing assistance to class members who wish to participate in discovery without requiring adversarial participation as a condition of class membership.

C. Expert Witnesses

Plaintiff anticipates retaining and disclosing the following categories of expert witnesses in connection with Phase I:

- Forensic Psychologist / Child Sexual Abuse Expert: to testify regarding the established behavioral patterns of serial child sexual predators, the recognized grooming methodology, the consistency of Defendant Figel’s conduct with that methodology, and the class-wide psychological impact of childhood sexual abuse;
- Damages Expert (Phase II): to assist in development of the tiered damages framework and to provide guidance on the valuation of damages categories for Phase II claims administration; and
- Any additional expert witnesses as identified through discovery or as reasonably necessary to establish class-wide liability.

IV. MANAGEABILITY OF THE CLASS ACTION

Florida Rule of Civil Procedure 1.220(b)(3) requires that a class action be manageable as a method for adjudicating the controversy. *Morgan v. Coats*, 33 So. 3d 59, 66 (Fla. 3d DCA 2010). This action is readily manageable as a class proceeding, for the following reasons.

A. Common Liability Issues Predominate

As set forth in detail in Plaintiff’s Motion for Class Certification and this Trial Plan, the central liability questions in this action—whether Defendant Figel employed a systematic predatory methodology, whether that methodology constituted the tortious conduct alleged, and whether it caused class-wide harm—are fully common to all class members and can be resolved in a single Phase I trial. Common liability proof predominates overwhelmingly over any individualized issues.

B. Individualized Damages Are Manageable Through the Proposed Claims Process

The existence of individualized damages issues does not render this action unmanageable. The proposed Phase II structure—utilizing a Special Master, a standardized Proof of Claim

process, a tiered damages framework, and trauma-informed proceedings—provides an efficient, fair, and orderly mechanism for resolving individual damages without duplicating the evidence and argument already established in Phase I.

C. The Class Action Avoids the Risk of Inconsistent Adjudications

Without class certification, the same common liability issues would be re-litigated in dozens or hundreds of separate proceedings, creating an unacceptable risk of inconsistent verdicts on identical questions. A single class trial resolves those questions once, uniformly, on the basis of the same common evidence. This is precisely the efficiency that Rule 1.220 is designed to achieve.

D. The Class Action Provides Access to Justice for Victims Who Could Not Otherwise Proceed

Many class members—including those who have not yet come forward, those residing outside Florida or internationally, and those for whom the psychological barriers to individual litigation are severe—would be unable to obtain any meaningful legal redress absent the class action vehicle. As this Court recognized in evaluating superiority, class treatment may represent the “only economically viable remedy” for numerous class members. *Morgan*, 33 So. 3d at 67. This consideration powerfully supports a finding of manageability.

V. CONCLUSION

This Trial Plan demonstrates that the claims of the proposed Class are fully manageable as a certified class action under Florida Rule of Civil Procedure 1.220(b)(3). The common liability questions that dominate this case can be tried once in Phase I, on the basis of common evidence applicable to the entire Class. Individualized damages can be resolved efficiently through the Phase II claims administration process. The class action mechanism is superior to any available alternative and will provide access to justice for survivors who could not otherwise obtain relief.

Plaintiff respectfully requests that the Court certify the Class, appoint Plaintiff as Class Representative, appoint Paul S. Rothstein, P.A., Paul S. Rothstein, and Kyla V. Lemieux as Class Counsel, and adopt this Trial Plan as the framework for the orderly adjudication of this action.