

**IN THE CIRCUIT COURT OF THE 5TH JUDICIAL CIRCUIT
IN AND FOR MARION COUNTY, FLORIDA**

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

Plaintiff,

CASE NO.:
CLASS REPRESENTATION

vs.

CHARLES WILLIAM FIGEL,

Defendant.

CLASS ACTION COMPLAINT

I. JURISDICTION

1. This is an action for damages in excess of \$30,000.00.
2. At all times material hereto, the Plaintiff was a resident of Marion County, Florida. She is under 25 years of age at the time of filing this complaint.
3. At all times material hereto, the Defendant was a resident of Broward County, Florida. He is at least 69 years old at the time of filing this complaint.
4. Venue is proper in Marion County.
5. Pursuant to Fla. Stat. § 48.161, Plaintiff alleges that substituted service of process applies to Defendant because he is a nonresident or a person who conceals his or her whereabouts. Plaintiff shall effectuate service by serving a public officer designated by law. Plaintiff shall leave a copy of the process with a fee of \$8.75 with the public officer or in his or her office or by mailing the copies by certified mail to the public officer with the fee. The service is sufficient service on a

defendant who has appointed a public officer as his or her agent for the service of process. Notice of service and a copy of the process shall be sent forthwith by registered or certified mail by the plaintiff or his or her attorney to the defendant, and the defendant's return receipt and the affidavit of the plaintiff or his or her attorney of compliance shall be filed on or before the return day of the process or within such time as the court allows, or the notice and copy shall be served on the defendant, if found within the state, by an officer authorized to serve legal process, or if found without the state, by a sheriff or a deputy sheriff of any county of this state or any duly constituted public officer qualified to serve like process in the state or jurisdiction where the defendant is found. The officer's return showing service shall be filed on or before the return day of the process or within such time as the court allows.

II. GENERAL ALLEGATIONS

6. Beginning in 1995 and continuing through 2000, when Plaintiff was 4 years old and continuing until she was 9 years old, Defendant, on various occasions and at various locations, touched the Plaintiff inappropriately on her crotch and put his hands all over her body; all for Defendant's perverse sexual gratification. Defendant also took photographs of Plaintiff while she was between the ages of 4 and 9. The photographs taken of Plaintiff on various occasions and at various locations, showed Plaintiff in poses that were sexually suggestive and abusive. Plaintiff felt that Defendant strived to have Plaintiff naked when taking the photographs.

7. The Plaintiff also witnessed on numerous occasions the Defendant molest her sister “Mary Jane Doe”.
8. Upon information and belief, Defendant is a known pedophile who has sexually assaulted children throughout the world.

III. CLASS ALLEGATIONS

9. Plaintiff brings this suit as a worldwide class action defined as follows:

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 that commenced while these persons were under eighteen (18) years of age (hereinafter “the Student Class”) Sexual abuse includes a variety of sexual conduct ranging from sexual comments, stalking, staring at a naked child and fondling to any type of sexual act. The living mothers and living fathers, current spouses, including common law spouses, and children of the individuals described in the above defined Student Class (hereinafter “the Family Class”).
10. Plaintiff reserves the right to modify or amend the definition of the proposed class before the Court determines whether certification is appropriate.
11. Excluded from the Class are as follows:
 - 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 Complaint, have filed a non-class action claim against the Defendant for claims asserted herein;
12. The claims herein are maintainable on behalf of a class pursuant to *Florida Rules of Civil Procedure* 1.220(b)(1), in that the prosecution of separate claims or defenses by or against individual members of the class would create a risk of either: (a) inconsistent or varying adjudication concerning individual members of the class which would establish incompatible standards of conduct for the party opposing the class; or (b) adjudications concerning individual members of the class which would, as a practical matter, be dispositive of the interests of other members of the class who are not parties to the adjudications, or substantially impair or impede the ability of other members of the class who are not parties to the adjudication to protect their interests.
13. Alternatively, the claims herein are maintainable on behalf of a class pursuant to *Florida Rule of Civil Procedure* 1.220(b)(3), in that the questions of law or fact common to the claims of the representative parties and the claims of each member of the class predominate over any questions of law or fact affecting only

individual members of the class, and class representation is superior to other available methods for the fair and efficient adjudication of this controversy.

14. The questions of law and of fact that are common to the claims of the representative parties and the claims of each member of the class include the following:
 - a. Whether Defendant FIGEL perpetuated and/or participated in Abuse of Plaintiff and other class members.
 - b. Whether Defendant FIGEL was negligent or grossly negligent in that he knew or should have known that perpetrating/ and or participating in Abuse on the Plaintiff and other class members would result in irreparable harm and injuries, both physical and mental.
15. The claims advanced by the class representative are typical of the claims of each member of the class in that:
 - a. The representative's claims arise from the same course of conduct of Defendant giving rise to the claims of other class members;
 - b. The claims of the representative and each member of the class are based upon the same legal theories;
 - c. The representative and each member of the class have an interest in prevailing on the same legal claims;
 - d. The types of damages incurred by the representative are similar to those incurred by the other class members;
 - e. The defenses asserted by Defendant will be very similar, if not identical, as to all named representatives and class members.

16. This action should be maintained as a class action based upon the following:
- a. The named Plaintiff is a member of the class she seeks to represent. The interests of the named Plaintiff is coincident with and not antagonistic to those of the other members of the class she seeks to represent, and the named Plaintiff will fairly and adequately protect the interests of the class;
 - b. The named Plaintiff and all class members have a similar, if not identical, interest in obtaining the relief sought;
 - c. The named Plaintiff and all class members have a common right of recovery based on similar facts, in that the claims all arise from the same practice and course of conduct by the defendants, and are based on the same legal theories;
 - d. The Defendant will assert common, if not identical, defenses to Plaintiff's and class members' claims;
 - e. The class is so numerous that joinder of all members is impracticable.
 - f. A worldwide class action is a fair and appropriate method for the efficient adjudication of the controversy.
17. Plaintiff's class counsel will provide adequate representation in that he is an experienced trial attorney who is also skilled in the area of complex litigation.
18. Plaintiff's counsel at the time of filing the Complaint consists of:
- Attorney Paul S. Rothstein
626 N.E. First Street
Gainesville, Florida 32601
19. Plaintiff has retained the above counsel to represent them in this lawsuit, and are obligated to pay them reasonable attorneys' fees.

COUNT I - SEXUAL BATTERY

Plaintiff realleges the allegations contained in Paragraphs 1-19 as if set forth fully verbatim herein and further alleges:

20. Beginning in 1995 and continuing through 2000, when Plaintiff was 4 years old and continuing until she was 9 years old, Defendant, on various occasions and at various locations, touched the Plaintiff on her crotch and put his hands all over her body; all for Defendant's perverse sexual gratification.
21. The Plaintiff also witnessed on numerous occasions the Defendant molest her sister "Mary Jane Doe".
22. The Defendant is a known pedophile who has sexually assaulted children throughout the world.
23. Defendants' acts constituted unwanted and non-consensual touching of the Plaintiff by the Defendant; thus constituting sexual batteries upon the Plaintiff by Defendant FIGEL on each occasion.
24. As a direct and proximate result of the actions of Defendant FIGEL, the Plaintiff was injured physically and mentally, suffered pain therefrom, incurred medical expenses in the treatment of the injuries, and suffered physical and mental handicap, while her working ability was impaired and she suffered loss of peace of mind and loss of enjoyment of life. The injuries are either permanent or continuing in nature and Plaintiff will suffer the losses and impairment in the future, together with past and future medical treatment and costs.

WHEREFORE, Plaintiff DOE prays:

- A. That this matter be certified as a class action.

- B. That at the time this Court certifies a class, the Court should order Defendants to pay for an independent psychiatric examination of Plaintiff DOE and other class members, in order to determine the extent of the damages, if any, were suffered by Plaintiff DOE and other class members.
- C. That a judgment be entered on behalf of the Plaintiff DOE and other class members, and against the Defendant FIGEL and for all interest allowable under the law.
- D. That the named Plaintiff and other class members be awarded reasonable attorney's fees and costs of suit.
- E. That the named Plaintiff and other members of the class have such other and further relief in the premises as may be proper.
- F. That the Plaintiff JANE DOE demands a trial by jury on all issues so triable.

COUNT II - GROSS NEGLIGENCE

Plaintiff realleges the allegations contained in Paragraphs 1-19 as if set forth fully verbatim herein and further alleges:

25. Beginning in 1995 and continuing through 2000, when Plaintiff was 4 years old and continuing until she was 9 years old, Defendant, on various occasions and at various locations, touched the Plaintiff on her crotch and put his hands all over her body; all for Defendant's perverse sexual gratification. Defendant also took photographs of Plaintiff while she was between the ages of 4 and 9. The photographs taken of Plaintiff on various occasions and at various locations,

showed Plaintiff in poses that were sexually suggestive and abusive. Plaintiff felt that Defendant strived to have Plaintiff naked when taking the photographs.

26. The Plaintiff also witnessed on numerous occasions the Defendant molest her sister "Mary Jane Doe".
27. The Defendant is a known pedophile who has sexually assaulted children throughout the world.
28. Defendant negligently forced and perpetrated sexual abuse upon the unwilling and innocent child-Plaintiff. Defendant knew or should have known that such outrageous conduct toward and upon the Plaintiff would result in irreparable harm and injuries, both physical and mental, to the Plaintiff.
29. As a direct and proximate result of the actions of Defendant FIGEL, the Plaintiff was injured physically and mentally, suffered pain, incurred medical expenses in the treatment of the injuries, and suffered physical and mental handicap, while her working ability was impaired and she suffered loss of peace of mind and loss of enjoyment of life. The injuries are either permanent or continuing in nature and Plaintiff will suffer the losses and impairment in the future, together with past and future medical treatment and costs.

WHEREFORE, Plaintiff JANE DOE prays:

- A. That this matter be certified as a class action.
- B. That at the time this Court certifies a class, the Court should order Defendant to pay for an independent psychiatric examination of Plaintiff JANE DOE and other class members, in order to determine the extent of the damages, if any, were suffered by Plaintiff JANE DOE and other class members.

C. That a judgment be entered on behalf of the Plaintiff JANE DOE and other class members against the Defendant FIGEL as will reasonably and fairly compensate them for their damages, and for interest.

D. That the named Plaintiff and other class members be awarded reasonable attorney's fees and costs of suit.

E. That the named Plaintiff and other members of the class have such other and further relief in the premises as may be proper.

F. That the Plaintiff JANE DOE demands a trial by jury on all issues so triable.

COUNT III - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

Plaintiff realleges the allegations contained in Paragraphs 1-19, as if set forth fully verbatim herein and further alleges:

30. Beginning in 1995 and continuing through 2000, when Plaintiff was 4 years old and continuing until she was 9 years old, Defendant, on various occasions and at various locations, touched the Plaintiff on her crotch and put his hands all over her body; all for Defendant's perverse sexual gratification. Defendant also took photographs of Plaintiff while she was between the ages of 4 and 9. The photographs taken of Plaintiff, on various occasions and at various locations, showed Plaintiff in poses that were sexually suggestive and abusive. Plaintiff felt that Defendant strived to have Plaintiff naked when taking the photographs.
31. The Plaintiff also witnessed on numerous occasions the Defendant molest her sister "Mary Jane Doe".

32. The Defendant is a known pedophile who has sexually assaulted children throughout the world.
33. Defendant FIGEL'S conduct as described herein was intentional and/or reckless in that he intended the behavior when he knew or should have known that severe emotional distress would result to the Plaintiff JANE DOE.
34. Defendant FIGEL'S conduct as described herein was so extreme and outrageous as to go beyond all bounds of decency and is to be regarded as odious and utterly intolerable in a civilized community.
35. Defendant FIGEL had actual knowledge of the wrongfulness of his conduct and of the high probability that said conduct would result in injury and damage to Plaintiff JANE DOE; however, Defendant FIGEL intentionally pursued this conduct nonetheless.
36. As a direct and proximate result of the actions of Defendant FIGEL, the Plaintiff was injured physically and mentally, suffered pain, incurred medical expenses in the treatment of the injuries, and suffered physical and mental handicap, while her working ability was impaired and she suffered loss of peace of mind and loss of enjoyment of life. The injuries are either permanent or continuing in nature and Plaintiff will suffer the losses and impairment in the future, together with past and future medical treatment and costs.

WHEREFORE, Plaintiff JANE DOE prays:

- A. That this matter be certified as a class action.
- B. That at the time this Court certifies a class, the Court should order

Defendants to pay for an independent psychiatric examination of Plaintiff JANE DOE and other class members, in order to determine the extent of the damages, if any, were suffered by Plaintiff JANE DOE and other class members.

C. That a judgment be entered on behalf of the Plaintiff JANE DOE and other class members, and against the Defendant FIGEL as will reasonably and fairly compensate them for their damages, and for interest.

D. That the named Plaintiff and other class members be awarded reasonable attorney's fees and costs of suit.

E. That the named Plaintiff and other members of the class have such other and further relief in the premises as may be proper.

F. That the Plaintiff JANE DOE demands a trial by jury on all issues so triable.

RESPECTFULLY SUBMITTED this 8th day of August, 2022.

/s/ Paul S. Rothstein
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