

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,

CASE NO: 22-CA-1627

Plaintiff,

vs.

CHARLES WILLIAM FIGEL,

Defendant.

_____ /

**ORDER GRANTING PLAINTIFF'S
MOTION FOR CLASS CERTIFICATION**

This action came before the Court for an evidentiary hearing on June 3, 2026 on Plaintiff's Motion for Class Certification. Upon consideration of the Motion and argument of counsel at the hearing, it is **ORDERED AND ADJUDGED** that the Motion for Class Certification is **GRANTED**. The Court makes the following findings of fact and conclusions of law in support of its ruling:

I. FACTUAL BACKGROUND

Plaintiff filed this class action lawsuit against Charles William Figel ("Defendant") to address the damages suffered by victims of sexual abuse suffered from Defendant's sexual predation and exploitation. Plaintiff brings this class action against Defendant in Defendant's individual capacity and as a representative for other sexual abuse victims pursuant to Florida Rule of Civil Procedure 1.220.

This case arises from the allegations of decades-long, systematic, and predatory sexual abuse of minor children by Defendant. 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 a class of victims spanning multiple decades, generational abuse of family members and geographic locations.

Plaintiff brings the following causes of action:

Count I: Sexual Abuse

Count II: Gross negligence

Count III: Intentional Infliction of Emotional Distress

II. LEGAL STANDARD

A party seeking class certification must plead and prove the elements required by Florida Rule of Civil Procedure 1.220. *Sosa v. Safeway Premium Fin. Co.*, 73 So. 3d 91, 105 (Fla. 2011). This includes the four elements of Rule 1.220(a)—numerosity, commonality, typicality, and adequacy of representation—and one of the three subdivisions of Rule 1.220(b). Under Rule 1.220(b)(3), a party must establish that common questions of law or fact predominate over any individual questions of the separate class members, and that a class action is superior to other available methods for the fair and efficient adjudication of the controversy. “A trial court should resolve doubts with regard to certification in favor of class certification, especially in the early stages of litigation.” *Sosa*, 73 So. 3d at 105; *Chase Manhattan Mortg. Corp. v. Porcher*, 898 So. 2d 153, 156 (Fla. 4th DCA 2005). Class certification is favored where “[t]he purpose of the class action is to provide litigants who share common questions of law and fact with an economically viable means of addressing their needs in court.” *Johnson v. Plantation Gen. Hosp. Ltd. P’ship*, 641 So. 2d 58, 60 (Fla. 1994).

III. PLAINTIFF HAS STANDING

To have standing, “the plaintiff must show that a case or controversy exists between the plaintiff and the defendant, and that such case or controversy continues from the commencement

through the existence of the litigation.” *Ferreiro v. Phila. Indem. Ins. Co.*, 928 So. 2d 374, 377 (Fla. 3d DCA 2006).

Plaintiff has standing because beginning in approximately 1995, when Plaintiff was four (4) years old, and continuing through approximately 2000, when she was nine (9) years old, Defendant subjected her to repeated acts of sexual abuse on various occasions and at various locations including sexual physical abuse explicit and graphic photography of Plaintiff. Plaintiff submitted declarations attesting to these facts. *Fla. Power Corp. v. Smith*, 202 So. 2d 872, 882 (Fla. 2d DCA 1967) (“Facts established by the testimony of a witness, whether a party or otherwise, and not refuted, constitute a part of the facts of the case, the same as any other fact in evidence.”).

IV. CLASS DEFINITION

Here, the proposed class is:

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.

The proposed class expressly excludes the following individuals:

- 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.

The Court finds that the class definition contains objective criteria that enable individuals to determine whether they are a member of the class.

V. PLAINTIFF SATISFIES THE REQUIREMENTS UNDER RULE 1.220(a)

Each of the four elements of Rule 1.220(a) is met in this case. The proposed class is sufficiently numerous, common questions of law or fact are raised by the claims of each member of the class, the class representatives' claims are typical of the claims of all the class members, and the named representatives and their counsel can fairly and adequately protect and represent the interests of the class.

A. NUMEROSITY

Rule 1.220(a)(1) requires Plaintiff to show that the proposed class is so numerous that joinder of all members would be impracticable. There is no specific number or precise count needed to satisfy the numerosity requirement, rather "class certification is proper if the class representative does not base the projected class size on mere speculation." *Sosa*, 73 So. 3d at 114 (citing *Toledo v. Hillsborough Cnty. Hosp. Auth.*, 747 So. 2d 958, 961 (Fla. 2d DCA 1999)). Classes as small as twenty-five have been held to fulfill the numerosity requirement. *See Estate of Bobinger v. Deltona Corp.*, 563 So. 2d 739, 743 (Fla. 2d DCA 1990). Regarding "impracticability," it is sufficient to show that it is inconvenient or difficult to join all members of the class. *See Smith v. Glen Cove Apartments Condos. Master Ass'n, Inc.*, 847 So. 2d 1107, 1110 (Fla. 4th DCA 2003).

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. For class certification purposes, Plaintiff has met their burden to show a sufficiently suitable class and beyond mere speculation.

B. COMMONALITY

Rule 1.220(a)(2) requires the class action plaintiff to identify questions of law or fact common to the class. “The threshold of the commonality requirement is not high.” *Sosa*, 73 So. 3d at 107; *Broin v. Philip Morris Cos.*, 641 So. 2d 888, 890 (Fla. 3d DCA 1994). Mere factual differences between class members do not preclude a finding of commonality. *Morgan v. Coats*, 33 So. 3d 59, 64 (Fla. 2d DCA 2010). “And individualized damages inquiries do not preclude class certification.” *Id.*

The Court finds that the commonality requirement has been met because 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’s deliberate, systematic, and repeated sexual predation of minor children. Plaintiff established that Defendant 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’s predatory conduct, applied deliberately and repeatedly across the entire class. These questions will be answered consistently for the entire class and this case is thus capable of class wide resolution. *See Sosa*, 73 So. 3d at 110.

C. TYPICALITY

Rule 1.220(a)(3) requires a plaintiff to demonstrate that her claims are typical of those of the proposed class. “The key inquiry for a trial court when it determines whether a proposed class certifies 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. Like the test for commonality, the test for typicality is not demanding, and focuses on the general similarity between the plaintiff’s legal theories and the theories of those whom they seek to represent. *Morgan v. Coats*, 33 So. 3d at 65. “Mere factual differences between the class representative’s claims and the claims of the class members will not defeat typicality.” *Discount Sleep of Ocala, LLC v. City of Ocala*, 245 So. 3d 842, 852 (Fla. 5th DCA 2018) (citing *Sosa*, 73 So. 3d at 114).

The Court finds that Plaintiff’s claims are typical of those of all absent class members. Here, Plaintiff alleges that she and Class members “all suffered the same injury,” namely 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] possess[es] 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)).

D. ADEQUACY

To satisfy Rule 1.220(a)(4), a plaintiff must show that “the representative party can fairly and adequately protect and represent the interests of each member of the class.” Fla. R. Civ. P. 1.220(a)(4); *Sosa*, 73 So. 3d at 115. “In examining adequacy, a trial court’s inquiry is two-pronged: (1) whether the class counsel has the qualifications, experience, and ability to conduct the litigation; and (2) whether the class representative’s interests are antagonistic to the interests of the class members.” *Pinnacle Condo. Ass’n, Inc. v. Haney*, 262 So. 3d 260, 263 n.4 (Fla. 3d DCA 2019).

The Court finds that adequacy is met in this case. First, the proposed class counsel from Paul S. Rothstein, PA regularly engage in complex litigation and have the qualifications, experience and ability to conduct this litigation. Second, Plaintiff has the same interests as the proposed class members. Plaintiff 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. The Declarations provided in support of Class Certification, sufficiently illustrate to this Court that Class Counsel and the Class Representative are adequate.

VI. PLAINTIFF SATISFIES THE REQUIREMENTS OF RULE 1.220(b)

In addition to meeting the four requirements of Rule 1.220(a), a plaintiff seeking class certification must satisfy one of the subsections of Rule 1.220(b). Rule 1.220(b)(3) provides that certification is appropriate if common questions of law or fact predominate over any individual questions of the separate members, and the class action is superior to other available methods for

a fair and efficient adjudication of the controversy. Fla. R. Civ. P. 1.220(b)(3). Here, both requirements are met.

A. PREDOMINANCE

The predominance requirement parallels the commonality requirement of Rule 1.220(a)(2), but they are not identical. “The predominance requirement is more stringent because, to satisfy this requirement, common questions must not only exist but also predominate and pervade.” *Sosa*, 73 So. 3d at 111. “Florida courts have held that common questions of fact predominate when the defendant acts toward the class members in a similar or common way.” *Id.* Predominance is also satisfied where a class representative necessarily proves the cases of the other class members by proving his own individual case. *Id.* at 112.

Here, the Court finds that common questions of fact and law predominate over individual inquiries. 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 Plaintiff's

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’s common course of conduct, and Defendant’s liability to the class will involve the same evidence—namely, proof of Defendant’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. Although Class Members may have individual damages determinations, that does not preclude this Court’s decision to certify the class. *See Sosa*, 73 So. 3d at 113.

B. SUPERIORITY

Courts consider three factors when deciding whether a class action is the superior method of adjudicating a controversy: “(1) whether a class action would provide the class members with the only economically viable remedy; (2) whether there is a likelihood that the individual claims are large enough to justify the expense of separate litigation; and (3) whether a class action cause of action is manageable.” *Sosa*, 73 So. 3d at 116 (citing *Morgan*, 33 So. 3d at 66).

Here, the Court finds that a class action is the superior method to adjudicate this case. Pursuing individual claims would likely be financially burdensome and impractical for Plaintiff and many, if not all, class members. The litigation of this case as a class action will also create efficiencies because Plaintiff’s claims present identical issues for all class members, which Defendant will likely meet with identical defenses. Thus, the litigation of these issues in one proceeding “would be the most economically viable remedy.” *Morgan*, 33 So. 3d at 67. Plaintiff has also proffered methodologies to assess damages for the class. That is all that is required at this juncture of the proceedings.

Based on the foregoing, it is **ORDERED AND ADJUDGED** that Plaintiff has demonstrated by competent, substantial evidence that this action meets the requirements for class certification pursuant to Florida Rule of Civil Procedure 1.220. The Court certifies the class as herein defined. The Court appoints Plaintiff as Class Representative and Paul S. Rothstein, and Kyla V. Lemieux, of Paul S. Rothstein PA as counsel on behalf of the Class.

DONE and ORDERED in Chambers in Marion County, Florida on June 10, 2026.



LISA HERNDON
CIRCUIT COURT JUDGE

cc: Paul S. Rothstein, Esq.