

Filing # 26947746 E-Filed 05/06/2015 11:27:01 AM

**IN THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA**

B.F., a Minor Child on behalf of herself; and
M.P. a Minor Child, on behalf of herself; and
D.B. a Minor Child, on behalf of himself; and
D.S. a Minor Child, on behalf of herself; and
And other's similarly situated,

Plaintiff/ Class Representatives,

CASE NO.:

v.

DIV.:

DR. HOWARD S. SCHNEIDER D.D.S., P.A.
A Florida Corporation; and DR.
HOWARD S. SCHNEIDER,

CLASS REPRESENTATION
JURY TRAIL DEMAND

Defendants.

CLASS ACTION COMPLAINT

COMES NOW, the Plaintiff/ Class Representatives, B.F., by
and through her undersigned counsel, and brings this Class
Action Complaint against the Defendants, DR. HOWARD S. SCHNEIDER
D.D.S., P.A, a Florida Corporation, and DR. HOWARD S. SCHNEIDER
D.D.S., and would show the court as follows:

JURISDICTION

1. This is an action for individual damages, class
damages, injunctive relief and/ or declaratory relief in a
principal amount that exceeds fifteen-thousand dollars
(\$15,000.00).

2. The Plaintiff/ Class Representatives all are minor individuals, who reside in Duval County, Jacksonville, Florida or have had the work performed in Jacksonville Florida.

3. The Defendant, DR. HOWARD S. SCHNEIDER D.D.S., P.A., is a Florida Corporation operated and doing business in Duval County, Jacksonville, Florida.

4. The Defendant, Dr. HOWARD SCHNEIDER, D.D.S., is an individual residing in Duval County, Jacksonville, Florida.

5. Venue is proper in this court.

6. All conditions precedent to the Plaintiff and Class bringing this suit have occurred, have been performed, or have been waived.

7. The Plaintiff/ Class Representatives and the Class have obligated themselves to pay a reasonable attorney's fee to bring this suit and the Defendants are liable for the same.

8. The Plaintiff/ Class Representatives reasonably anticipates that she and the class will seek punitive damages in this suit, and hereby reserves the right to amend this pleading to add a count for punitive damages, either prior or subsequent to moving for class certification.

INTRODUCTORY STATEMENT

8. This is easily the most egregious case of sadistic and serial child abuse the undersigned has ever encountered in his many years practicing law in the Duval County area.

9. The Defendant, Dr. HOWARD SCHNEIDER, D.D.S. (hereinafter "SCHNIEDER"), is an individual who has held himself out to the public of Duval County, as a Pediatric Dentist for more than forty (40) years; and has been the only licensed Pediatric Dentist that takes Florida Medicaid, supplies sedation and is in Duval County.

10. While it is true that SCHNIEDER is licensed to practice dentistry, his so-called "practice" has little to do with dentistry, but much to do with the Doctor's deviant sadistic appetites.

11. The overwhelming evidence for this case will show that SCHNEIDER is a pathological Sadist, which according to the Physicians' Desk Reference is a psychosexual disorder, also known as Active Algolagnia, characterized by the infliction of physical or psychological pain or humiliation on another person, either a consenting or non-consenting partner, to achieve sexual excitement or gratification. The condition is usually chronic, seen predominantly in men, and may result from conscious or unconscious motivations or desires, and, in severe cases, can lead to rape, torture, and murder.

12. Dentist SCHNEIDER's deep need to inflict pain, torture, mutilate and humiliate, has driven him to create a specialized dental "practice", which, by its very design and structure, provided him with a constant supply of especially defenseless, indigent, children to victimize.

13. The child victims of SCHNIEDER come mostly from families where the parents are indigent, often uneducated, immigrants, disabled, non-English speaking, and/ or otherwise compromised or challenged, in such a manner as to limit the ability of these initially unsuspecting parents and families to protect their children from the deviant and violent practices of "Doctor" SCHNIEDER.

14. What has appeared from the outside to be an unremarkable pediatric dentistry practice, on the inside was a house of horrors worthy of Marquis de Sade; where the most defenseless members of our society, indigent children who receive Florida Medicaid, are regularly assaulted, humiliated, tortured, and oftentimes mutilated, in circumstances that show cold, calculated, deranged, and premeditated planning on the part of SCHNIEDER and his associates.

15. The evidence which, as of the date of this writing, is still coming in droves indicates that this horrific situation at the offices of "Doctor" SCHNIEDER has been going on for decades. These allegations are from patients who remember what he did to

them 35+ years ago, ex-employees who witnesses atrocities, other dentists who performed post-care, and parents' of the victims.

CLASS REPRESENTATION ALLEGATIONS

16. The Plaintiffs/ Class Representatives bring this lawsuit pursuant to Rule 1.220 of the Florida Rules of Civil Procedure.

17. The Plaintiff(s) proposes the class be defined as follows: (a) All persons residing in the State of Florida who; (b) were under the age of majority or otherwise disabled at the time that they; (c) sought Pediatric Dental treatment from SCHNIEDER; and thereby (d) became the victim's of SCHNIEDER's sadistic and systematic scheme of physical and psychological torture and abuse of innocent and utterly defenseless children. The Defendants and their employees, agents, and /or assigns are excluded from the class.

18. The undersigned is presently aware of at least sixty (60+) victims of SCHNEIDER's who would be members of the class as defined above, as of the date of this writing, some of whom are now adults with vivid memories of the torture and abuse they suffered at the hands of SCHNIEDER. New victims are coming forward with each passing minute due to the recent media exposure this case has attracted; and, given that the evidence suggests these sickening activities on the part of SCHNIEDER

have been ongoing and continuous for several decades, the undersigned reasonably estimates that the class could eventually contain as many as one-thousand (1,000) or more claimants.

19. The undersigned is an experienced attorney, with more than ten years (10) of complex civil litigation experience, and whose firm is staffed with counsel that is versed and experienced in all phases of civil litigation and class action litigation. Further, the undersigned and his firm possess the resources to litigate this matter to the extent necessitated by this case, including post-class certification and any necessary appellate work. Thus, the undersigned is more than qualified to represent the class as set forth herein, and neither the Plaintiffs nor their counsel have any interest which might cause them not to vigorously pursue this action.

20. The claims of the Plaintiffs/ Class Representatives are typical of the claims of the class. The primary class issues to be litigated are: (a) Whether the class members sought pediatric dental services from SCHNEIDER in Duval County, Florida; (b) Whether SCHNEIDER engaged in the practice of systematic sadistic torture and abuse of the members of the class; (c) Whether the class members were in fact victims of SCHNIEDER's systematic and continuous torture and abuse of innocent children; and (d) What damages the victims of SCHNIEDER's torture and abuse did the class member's incur.

21. The questions of law and fact raised by the Plaintiffs'/Class Representatives' claims against the Defendants are typical and common to each of the members of the class as defined herein, and common question of law and fact in this matter predominate over any individual issues specific to the individual members of the class. The particular facts and circumstances that support the Plaintiffs and Class Representatives' position that this claim may be maintained as a class action pursuant to subdivisions (b)(2) and (b)(3) of Rule 1.220 of the Florida Rules of Civil Procedure are as follows:

a. SCHNEIDER, being the only pediatric dentist in Duval County that both uses sedation and takes Florida Medicaid patients, has engaged in a systematic and continuous pattern of sadistic torture and abuse of defenseless minor children going back more than forty-five (45) years in Duval County;

b. The Defendant has continually abused his position of power and authority as a licensed dentist to facilitate his compulsion to torture and mutilate innocent minor children;

c. All of the class members as proposed herein were tortured, humiliated, and mutilated by SCHNEIDER while ostensibly being "treated" with various dental procedures at his office, during regular business hours;

d. SCHNEIDER engaged in similar and repeated patterns of abuse of his child patients that were entrusted to

his office for dental care, which similar and repeated behaviors include but are not limited to: (1) Choking children to the point of unconsciousness rather than using appropriate anesthetic prior to doing tooth extractions; (2) Performing excruciatingly painful medical procedures on children without anesthetic; (3) Performing non-medically necessary dental procedures, especially tooth extractions, often without anesthetic, on his child patients, which served the double purpose of both creating a pretext for SCHNEIDER to fraudulently bill Medicaid for said unnecessary procedures, and of gratifying his disgusting impulse to torture and mutilate innocent children; (4) Taking special steps to scare and frighten children by wearing masks and other costume paraphernalia during treatment sessions, with the intent to horrify and frighten the children he treats; (5) Using fear and threats to scare and thereby silence his victims, including threats not limited to saying things like "Your mom will die" if you tell her what happened and other similar tactics; (6) Refusing to allow parents to be present during medical treatment of their own children, and berating and humiliating parents who insist on watching the procedures performed on their children; (7) Threatening to make fraudulent reports to the Department of Children (DCF) against innocent parents, when said parents start

to catch on and question what goes on behind the treatment rooms doors of the offices of SCHNIEDER;

e. Thus, the class as proposed shares a commonality of: (1) victimization; (2) by a person in authority over the victims; (3) the victim's were all minor children; (4) the victims were all injured intentionally under the guise of legitimate medical treatment; (5) The victims and their families were all threatened by SCHNIEDER to maintain silence; and (6) the victims of SCHNEIDER were all injured in the same manner, pursuant to the same scheme, and with the same common goal- the gratification of SCHNIEDER's deviant sadistic impulses by the torture, mutilation and humiliation of innocent and defenseless children;

f. Furthermore, class certification is especially appropriate in this matter due to the fact(s) that: (1) this abuse is happening to mostly poor and/ or economically and socially disadvantaged children, who; (2) receive public assistance including Medicaid, and are therefore stigmatized; (3) unable in nearly every case to pay an hourly fee to an attorney to bring their claim; and (4) unable to get any attorney to take their cases on any contingent basis due to the circumstantial nature of the available evidence in most of the individual cases. Also, additional hurdles stopped most attorneys from accepting these cases due to the fact that child

testimony about events that allegedly occurred before, during or after alleged sedation would be necessary to forward this litigation to trial. Lastly, the risk of non-success in the individual cases was too great for many attorneys, who might otherwise consider taking one of SCHNEIDER's victims as a contingent case, to bear alone. Had it not been for Facebook providing a no cost online option for parents to compare stories this case would have never been brought. Currently over 15,000 people are watching this on Facebook.

**FACTS RELEVANT TO THE CLAIMS
OF THE CLASS REPRESENTATIVES**

**A. Facts as to the case
of Class Representative
B.F.**

22. B.F. is a minor child born August 1, 2008, and is an indigent child who suffers from epilepsy and receives Florida Medicaid.

23. On Saturday, December 6, 2014, B.F.'s mother took her to SCHNIEDER's office for a regular dental cleaning and check up. At this visit the parents were told that there were no problems with B.F.'s teeth, and that no further treatment was necessary until the next regularly scheduled cleaning.

24. On Sunday, December 7, 2014, B.F.'s parents were contacted by agents of SCHNIEDER's office, and told that B.F.

needed "emergency" extraction of one (1) tooth, due to x-rays showing that an adult tooth was coming in behind the baby tooth in a medically unacceptable manner.

25. On Tuesday, December 9, 2014, B.F.'s parents brought her back to SCHNEIDER's office for what they were told would be the emergency extraction of one (1) of B.F.'s front teeth.

26. B.F.'s parents signed the papers presented to her by the agents working at SCHNEIDER's office that morning, including an authorization to place B.F. on a "papoose board", which is a device calculated to completely immobilize and hold a child steady during the "emergency" tooth extraction procedure.

27. After executing the paperwork that was presented to B.F.'s parents upon their arrival at SCHNEIDER's office, B.F. was taken by herself, without her parents, behind the closed metal doors of the waiting room to the treatment room.

28. After an hour had passed and B.F. was still back behind the closed doors of the treatment room of "Doctor" SCHNEIDER's, B.F. parents became worried and demanded that they be allowed to see their child.

29. Said demands were re-buffed and disregarded by SCHNEIDER's office staff, and, despite numerous demands by the parent to see her child, SCHNEIDER's staff refused to allow her mother to go back into the treatment room where B.F. was being held.

30. After more than three (3) hours had passed with no sight of her child, B.F.'s mother was informed that there had been an "incident", and that her daughter had fallen off the procedure table and "injured herself". The parent was told this without further explanation from SCHNEIDER and/ or his staff. This was despite the mother allowing her to be strapped to a papoose board since she was prone to have seizures.

30. B.F.'s parent next forced her way back into the treatment rooms of the office of "Doctor" SCHNIEDER, and witnessed a scene that looked like something out of a bad horror movie.

31. Upon making her way to the back treatment area where her child was being held, B.F.'s parent saw her child restrained, crying un-controllably, with a mouth full of gauze and the child and entire treatment room was covered in blood and blood spatter.

32. Shocked and horrified by the scene in the treatment room, B.F.'s parent immediately collected the child and took her to Wolfson's Children's Hospital (hereinafter "Wolfson's") for emergency treatment.

33. Upon arriving at Wolfson's, B.F.'s parents were shocked to discover that seven (7) teeth had been removed from B.F.'s oral cavity during the three hour emergency procedure, rather than the single tooth extraction that was the purpose of

the appointment. B.F.'s body was also covered in blood, cuts, abrasions, and bruises.

34. B.F.'s mother took pictures of the child immediately upon their exiting the offices of SCHNIEDER. These pictures, along with multiple radiograph, clinical notes, after care evaluations, and other third party reports are available but not attached to this pleading, in the interest of protecting the victims.

35. When B.F. was asked by her mother what happened to her while she was in the treatment room at SCHNIEDER's office, she said, "the big lady sat on me and the doctor kept choking me".

36. It is apparent from the medical evidence available that B.F. was repeatedly choked by SCHNIEDER until she was unconscious, and her teeth were removed without anesthetic upon her falling unconscious. This choking to the point of unconsciousness happened at least seven (7) times to B.F. while under SCHNIEDER's care on December 9, 2015.

**B. Facts as to the case
of Class Representative
M.P.**

37. On April 15, 2015, Class representative M.P. was brought to the offices of SCHNEIDER to be treated for partials, as the child M.P. had recently been injured in a fall and two front baby teeth had died.

38. The child M.P. was supposed to be sedated, simply so that the dead teeth could be removed, and small hooks could be inserted onto his back teeth, which would allow partials to be fitted and replace his lost front baby teeth.

39. The child M.P. was removed to the back room of the offices of "Doctor" SCHNIEDER, without parents present; and was abused by SCHNEIDER for about forty-five (45) minutes, before the child's Mother heard him screaming, approached the receptionist counter, and demanded that her child be released to her immediately.

40. The child M.P. was literally handed back to his parent, through the tiny reception area glass window. At this point the parent was horrified and bewildered, the child M.P. was crying profusely and covered in blood and bruises.

41. The cause of which blood and bruises were never addressed or explained by SCHNIEDER, and the child was rushed home by the parent.

42. Upon arriving back at the house, M.P.'s parents discovered that the child had been cut on the bottom front outer gum line, from ear to ear, apparently by some sort of scalpel or other medical device, two additional teeth had been pulled, and some mystery wiring had been placed on the back side of his bottom teeth (which wiring was eventually explained by SCHNIEDER as something necessary to prevent cavities); and the child had a

large bruise on his face, visible hand marks, consistent with choking, all over his face and neck area.

43. All of this was done without anesthetic or sedation, and can be easily surmised by the photos M.P.'s parent took of the child immediately upon getting the child away from SCHNIEDER's office, which show a wide awake and very much scared two (2) year old child, despite the fact that M.P. was allegedly (according to SCHNIEDER) completely sedated less than ten (10) minutes prior to the photos being taken.

44. M.P. parent's immediately contacted DCF about this incident, and DCF documented the scene, and attempted to contact SCHNIEDER, who repeatedly refused to make an appointment to give a statement to DCF.

45. In the process of trying to get SCHNEIDER to make a statement to DCF, SCHNEIDER's wife stated repeatedly to the DCF agents that the child M.P. had injured himself during the procedure and this type of thing happens all the time.

46. The office of the undersigned is in possession of photos, medical records, after care records, and other documentation to support these claims, and has chosen not to attach any of said documentation to this Complaint as exhibits in the interest of protecting the privacy of the child victim.

C. Facts as to the case
of Class Representative
D.B.

47. On April 12, 2015 D.B. had an appointment with SCHNEIDER for a crown in the back of his mouth. Both parents being deaf were only told by SCHNEIDER to, "trust him and he will have a pretty smile."

48. During the procedure two front teeth were removed for unknown reasons except as stated by SCHNEIDER "they were going to come out anyway," and the crown was installed.

49. No explanation was given as to why the teeth were removed. Both of his parents are deaf and D.B. is almost blind. The child appeared to be terrified and told stories of the dentist choking D.B. and yelling at D.B. giving a very vivid description of the event.

50. After leaving the office and upon close examination D.B. had bruises around his neck.

51. D.B.'s parents were never informed what happened to their child and within two weeks the crown had fallen off leaving DB with a tooth now needing to be removed.

D. Facts as to the case
of Class Representative
D.S.

52. On January 21, 2014 D.S. had an appointment scheduled with SCHNEIDER. The appointment was to place two caps on her teeth.

53. D.S. was anesthetized but received 8 total caps which the doctor "found" during the surgery that he stated to the parents, "needed caps."

54. D.S. had all 8 caps fall off within 30 days, leaving her with what looks like "crack" mouth that we see in adults who smoke meth despite her having a perfect smile just 30 days before.

54. Because of SCHNEIDERS "treatment" D.S. has significant health issues as all her teeth will need to be removed and she is in constant pain. Her adult teeth will most likely come in crooked due to the extended time (years) for her adult teeth to grow. Furthermore, she will have to endure the embarrassment of not having front teeth for most of her childhood. It should be noted that D.S. has previously performed child modeling entering pageants and other such events.

Count I: Assault

55. The Plaintiffs and Class Representatives hereby re-allege and incorporate in to this count by reference each and every factual allegation of these pleading paragraphs 1-21.

56. The Defendants, as set forth hereinabove, have perpetrated an unlawful offer of corporal injury directed to the person of another; to wit, the Defendants have engaged in a continuous pattern of torture, abuse, and mutilation of their child patients as detailed herein.

57. The Defendants did so under such circumstances as would create fear of imminent peril in their victims, coupled with the apparent ability to carry out the threat of physical harm.

58. The Plaintiffs and Class Representatives incurred significant damages as a direct and proximate result of the actions of the Defendants detailed herein.

WHEREFORE, The Plaintiffs and Class Representatives pray that this court certify the Class, and enter judgment in the favor of the Class and against the Defendants, award damages in the principle sum greater than \$15,000.00, damages for pain and suffering, prejudgment interest, post judgment interest, cost of

suit, attorneys fees and award such other relief that this court deems necessary and proper.

Count II: Battery

59. The Plaintiffs and Class Representatives hereby re-allege and incorporate in to this count by reference each and every factual allegation of these pleading paragraphs 1-21.

60. The Defendant(s) perpetrated an unlawful touching against the Plaintiffs and Class members; to wit, the Defendants have engaged in a continuous pattern of torture, abuse, and mutilation of their child patients as detailed herein.

61. The Plaintiffs incurred significant damages as a direct and proximate result of the actions of the Defendants detailed herein.

WHEREFORE, The Plaintiffs and Class Representatives pray that this court certify the Class, and enter judgment in the favor of the Class and against the Defendants, award damages in the principle sum greater than \$15,000.00, damages for pain and suffering, prejudgment interest, post judgment interest, cost of suit, attorneys fees and award such other relief that this court deems necessary and proper.

Count III: False Imprisonment

62. The Plaintiffs and Class Representatives hereby re-allege and incorporate in to this count by reference each and every factual allegation of these pleading paragraphs 1-21.

63. The Defendants perpetrated an unlawful restraint of a person, against their will, the gist of which action amounted to the unlawful detention of the Plaintiffs and Class Representatives, and a depravation of their liberty; to wit, the Defendants have engaged in a continuous pattern of torture, abuse, and mutilation of their child patients as detailed herein.

64. The Plaintiffs and Class Representatives have incurred significant damages as a direct and proximate cause of the unlawful detention perpetrated by the Defendants.

WHEREFORE, The Plaintiffs and Class Representatives pray that this court certify the Class, and enter judgment in the favor of the Class and against the Defendants, award damages in the principle sum greater than \$15,000.00, damages for pain and suffering, prejudgment interest, post judgment interest, cost of suit, attorneys fees and award such other relief that this court deems necessary and proper.

Count IV: Intentional Infliction of Severe Emotional Distress

65. The Plaintiffs and Class Representatives hereby re-allege and incorporate in to this count by reference each and every factual allegation of these pleading paragraphs 1-21.

66. The Defendants engaged in a pattern of conduct that was intentional and reckless, knowing that said behavior would likely result in extreme emotional distress; to wit, the Defendants have engaged in a continuous pattern of torture, abuse, and mutilation of their child patients as detailed herein.

67. The Defendants conduct was outrageous, beyond all bounds of decency, atrocious, and utterly intolerable in a civilized community.

68. The Defendants conduct detailed herein directly and proximately caused severe emotional distress to the Plaintiffs and Class Representatives.

69. The Plaintiffs and Class Representatives incurred significant damages as a result of the Defendants behavior herein.

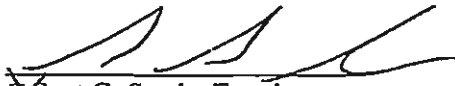
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the principle sum greater than \$15,000.00, damages for pain and suffering, prejudgment interest, post judgment interest, cost of suit, attorneys fees and award such other relief that this court deems necessary and proper.

Dated this 6th day of May, 2015.

Respectfully Submitted,

ADSUM LAW FIRM, P.L.


☒ Gust G. Sarris, Esquire
Florida Bar #21999

☐ William L. Durden, III, Esquire
Florida Bar # 541461
4800 Beach Blvd., Suite 9
Jacksonville, FL 32207
(904) 398-9510
(904) 352-2283 Facsimile
pleadings@adsumlawfirm.com