

Assigned for all purposes to: Spring Street Courthouse, Judicial Officer: Stephen Goorvitch

1 Jennifer J. McGrath, Esq. (State Bar No. 211388)
jmcgrath@tocounsel.com

2 THEODORA ORINGHER PC
1840 Century Park East, Suite 500
3 Los Angeles, California 90067-2120
Telephone: (310) 557-2009
4 Facsimile: (310) 551-0283

5 Darren Kavinsky, Esq. (State Bar No. 170497)
darren.kavinsky@TheKLF.com

6 THE KAVINOKY LAW FIRM
16255 Ventura Blvd., Ste. 200
7 Encino, California, 91436
Telephone (818) 346-4646
8 Facsimile (818) 346-4660

9 Attorneys for Plaintiff JANE DOE 10

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

13 JANE DOE 10,
14 Plaintiff,
15 vs.

16 THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA, a California
17 government corporation, JAMES HEAPS,
M.D., an individual; and ROES 1 through
18 20, inclusive,
19 Defendants.

COMPLAINT FOR:

- (1) Violations of Unruh Act (Civil Code § 51)
- (2) Violations of Bane Act (Civil Code § 52.1)
- (3) Violations of Personal Rights (Civil Code § 51.9)
- (4) Battery
- (5) Sexual Battery
- (6) Intentional Infliction of Emotional Distress
- (7) Negligent Infliction of Emotional Distress
- (8) Negligent Supervision and Retention
- (9) Negligent Ratification
- (10) Negligent Failure to Warn, Train, or Educate
- (11) Negligence
- (12) Constructive Fraud

DEMAND FOR JURY TRIAL

THEODORA TO ORINGHER
COUNSELORS AT LAW

1 Plaintiff Jane Doe 10,¹ an individual (“Plaintiff Doe 10” or “Plaintiff” or “Doe 10”)
2 hereby complains against Defendants Regents of the University of California (“UC Regents”),
3 a California government corporation, Dr. James Heaps (“Dr. Heaps”), an individual, and Roes
4 1 through 20 and alleges as follows:

5 **GENERAL ALLEGATIONS**

6 1. This case involves an egregious breach of trust and medical ethics by
7 Defendants. Plaintiff Doe 10 was a gynecological patient at UCLA Health (“UCLA Health”
8 or “UCLA”) when she was sexually abused, molested and harassed at the hands of serial
9 sexual predator Defendant Dr. Heaps.

10 2. Dr. Heaps’ conduct was a gross violation of the trust between physician and
11 patient. This is especially true as a gynecological patient is, of course, at her most vulnerable
12 during examination of her intimate body parts and should be able to trust that she will be
13 treated at all times with dignity and in a nonsexual and medically appropriate manner.

14 3. Dr. Heaps engaged in horrific action — preying upon Plaintiff Doe 10, who
15 sought care for severe uterine fibroids, which are painful and difficult to treat. Especially as
16 Plaintiff Doe 10 had suffered for many years with fibroids, she became extremely reliant on
17 Dr. Heaps for her care and placed her complete trust and confidence in him and in his
18 purported medical practices.

19 4. Plaintiff Doe 10 became a patient of Dr. Heaps in or about the mid-2000’s. At
20 her first appointment, Dr. Heaps acted in a professional manner and garnered Plaintiff’s trust.
21 Plaintiff Doe 10 proceeded to see Dr. Heaps every year or every other year between that time
22 and in or about late 2015. At each of these subsequent appointments, Dr. Heaps engaged in
23 conduct which Plaintiff Doe 10 now understands was abusive and harassing, including
24 performing overly-lengthy pelvic exams to gratify himself and performing transvaginal
25 ultrasound procedures which involved sexual touching designed to sexually stimulate Plaintiff
26 _____

27 ¹ Plaintiff, as a victim of sexual abuse, is identified herein using a pseudonym in order
28 to preserve her confidentiality and privacy in accordance with United States and California
law. *See, e.g., Doe v. Lincoln Unified School Dist.*, 188 Cal. App. 4th 758 (2010).

1 Doe 10 and gratify Dr. Heaps. Dr. Heaps also routinely performed overly-lengthy breast
 2 “exams” which Plaintiff Doe 10 now understands were sexual in nature and conducted in a
 3 way that was not medically necessary. Dr. Heaps also repeatedly made comments to Plaintiff
 4 Doe 10 which she now understands were abusive and harassing, including complimenting her
 5 intimate body parts and making other inappropriate comments, including telling Plaintiff Doe
 6 10 that she was “not getting enough sex” and that she should “have more sex.” Nurses were at
 7 times present for this abusive conduct but paid no attention to it and gave Plaintiff Doe 10 no
 8 indication that Dr. Heaps’ conduct was inappropriate or unprofessional.

9 5. On information and belief, Dr. Heaps had privileges at Ronald Reagan UCLA
 10 Medical Center for thirty years, beginning in 1988, and provided services at UCLA Student
 11 Health from 1983 to 2010. During his tenure as an employee of Defendant UC Regents,
 12 Dr. Heaps was a very high earner for UCLA, ranking on the 2016 list of highest paid UC
 13 employees, with an annual salary of \$1,182,265, as reported in an August 28, 2017 story in the
 14 Sacramento Bee entitled, *All 35 of the University of California’s highest-paid employees in*
 15 *2016 were men*. Dr. Heaps was also apparently considered an OBGYN “to the stars,” who
 16 was listed in the *Hollywood Reporter’s* annual *Best Doctors in Los Angeles* issue in 2015.

17 6. Perhaps because of the millions of dollars in income that he generated for UCLA
 18 and the fact that he had powerful patients and was celebrated in the community (as recent
 19 times have made apparent that sexual predators so often are), Defendant UC Regents wholly
 20 failed to protect Plaintiff Doe 10 or other vulnerable women from Dr. Heaps.

21 7. In fact, UCLA allowed Dr. Heaps to continue to examine female gynecological
 22 patients despite a history of similar complaints of misconduct and abuse, including (1) a
 23 California Medical Board investigation in 2014 (at or near the time that UCLA apparently
 24 acquired Dr. Heaps’ practice), which on information and belief involved allegations of sexual
 25 misconduct during a patient examination; and (2) at least one claim that he sexually harassed
 26 and molested a UCLA student that was posted online in a public forum in early 2015.

27 8. In addition, on information and belief, UCLA did not institute basic protections
 28 in order to prevent sexual abuse of patients, including having independent, qualified, and

1 trained chaperones present during examinations and/or, if any such protocols were in place,
2 UCLA’s employees did not follow such protocols. Nor, on information and belief, did UCLA
3 train or supervise its employees so as to make them aware of how to intervene should any
4 medically unnecessary or inappropriate conduct occur, nor how to report such misconduct. As
5 stated above, even though the abuse inflicted upon Plaintiff Doe 10 at times occurred in the
6 presence of a chaperone, the chaperone –who, on information and belief was supervised by
7 Dr. Heaps–did not act to stop the incident or report the incident to authorities.

8 9. The UC Regents had a duty to its students and other patients using its services to
9 ensure that physicians employed by or affiliated with it, such as Dr. Heaps, used their
10 positions consistent with the standard of care and did not abuse and harass patients. The UC
11 Regents abrogated this duty. The UC Regents violated its students’ and patients’ trust by
12 knowingly exposing them to Dr. Heaps during medical treatments, knowing that inappropriate
13 physical contact and other harassment would occur. On information and belief, the UC
14 Regents actively and deliberately concealed Dr. Heaps’ sexual abuse for years, continuing to
15 grant Dr. Heaps unfettered access to female patients in order to protect UCLA’s reputation and
16 financial coffers.

17 10. On information and belief, in or about late June 2018, Dr. Heaps was forced to
18 resign. UCLA, however, again chose to protect itself and Dr. Heaps and keep this incident
19 (and others known to it) under wraps. In or about mid-June 2018, UCLA sent a letter to
20 patients of Dr. Heaps, stating that “it is with mixed emotions” that UCLA announces
21 Dr. Heaps’ “retirement.” UCLA then continued to feature Dr. Heaps on the webpages of
22 UCLA Health and of the David Geffen School of Medicine for nearly a year following,
23 allowing Dr. Heaps and UCLA to save face in the community, a community unwittingly
24 exposed to a sexual predator by Defendants.

25 11. Dr. Heaps’ actions and the inaction of the UC Regents and its employees (both
26 before and after Plaintiff’s horrific encounter with Dr. Heaps as described herein), have caused
27 Plaintiff Doe 10 tremendous and lasting harm, including feelings of fear and powerlessness,
28 symptoms of post-traumatic stress disorder, and other physical and emotional manifestations

1 of the severe emotional distress that she has suffered.

2 12. Dr. Heaps has now been arrested and charged with multiple felony counts,
3 including in connection with alleged sexual battery of his patients. When Dr. Heaps was
4 arrested, and publicity with regard to his misconduct was all but inevitable, the UC Regents
5 changed course, then issuing a public statement contending that Dr. Heaps was “terminated”
6 and that UCLA has purportedly taken corrective action. This communication was circulated
7 to the UCLA “Campus Community” by the UCLA Chancellor and Vice Chancellor, UCLA
8 Health Services. This is a far cry from the previous communication to patients announcing
9 Dr. Heaps’ “retirement,” a communication that failed to alert the community to his misconduct
10 or offer any assistance or support to Plaintiff Doe 10 or other victims.

11 13. Only when Dr. Heap’s arrest became public, did Plaintiff Doe 10 come to
12 understand what had been done to her by Dr. Heaps’ misconduct and UCLA’s inaction. Only
13 in the last few weeks has Plaintiff Doe 10 come to realize that she was subjected to abuse
14 during routine examinations and that Dr. Heaps conduct in those exams was inappropriate and
15 of a sexual nature, including molesting her under the guise of treating her uterine fibroids.

16 **BACKGROUND FACTS**

17 **Defendant Dr. Heaps Provides Gynecological Services to UCLA Patients**

18 14. Dr. Heaps completed his internship and residency as an obstetrician-
19 gynecologist and a fellowship in gynecologic oncology at the UCLA School of Medicine from
20 1983–1989. Upon information and belief, beginning in the early 1990s, Dr. Heaps was in
21 private practice as an OBGYN at an office located at 100 Medical Plaza in Westwood. On
22 further information and belief, in or about February 2014, Dr. Heaps’ private practice was
23 acquired by the UC Regents and Dr. Heaps was hired by the UC Regents as a full-time
24 gynecologist at UCLA Health, with a purported specialty in gynecologic oncology.

25 15. In that role, on information and belief, Dr. Heaps continued to provide
26 gynecological services to women, including Plaintiff Doe 10, at his office located at 100
27 Medical Plaza in Westwood. On further information and belief, Dr. Heaps had privileges at
28 Ronald Reagan UCLA Medical Center from 1988 to 2018, where he performed procedures

1 and provided services to hospitalized female patients. On further information and belief,
2 Dr. Heaps was a professor at the University of California Los Angeles David Geffen School of
3 Medicine from 1989 until 2018.

4 16. On information and belief, Dr. Heaps also at times provided gynecological
5 services to students at the UCLA Student Health Center between 1983 and 2010. In addition,
6 in the early 2000s and at other times, on information and belief, Dr. Heaps and his then-
7 partner regularly advertised their gynecological practice in *The Daily Bruin*, UCLA’s daily
8 student newspaper, presumably to attract female UCLA students as patients.

9 17. At all times herein alleged, Dr. Heaps was an agent, servant, and/or employee of
10 Defendant UC Regents and its medical clinics, facilities, and locations, and/or was under its
11 complete control and/or direct supervision. It was through this position of access, trust, and
12 authority that Dr. Heaps sexually exploited and abused Plaintiff.

13 **UCLA Turns a Blind Eye to Sexual Abuse and Harassment by Dr. Heaps**

14 18. UCLA holds itself out as a provider of high quality medical care for women,
15 stating on the UCLA Health website that it is one of the “premier providers of modern
16 medicine to the Los Angeles area and the nation” and that its Obstetrics and Gynecology
17 department is “dedicated to providing comprehensive and personal care for women.” UCLA
18 also publicly touts its purported “serious commitment to addressing and preventing sexual
19 violence and sexual harassment.”

20 19. During Dr. Heaps’ tenure at UCLA, however, Plaintiff is informed and believes,
21 and on this basis alleges, that Dr. Heaps sexually abused and molested a number of his female
22 patients, including Plaintiff Doe 10, through the use of his position and authority as a full-time
23 gynecologist employed by the UC Regents.

24 20. It is unknown to Plaintiff Doe 10 what background information the UC Regents
25 sought from Dr. Heaps in advance of his being hired at UCLA (and his practice acquired by
26 the UC Regents) in or about February 2014. It is unclear whether the UC Regents did any
27 independent investigation of Dr. Heaps or his background when they sought to employ him to
28 provide gynecological services to female patients at his UCLA Health office and at Ronald

1 Reagan UCLA Medical Center.

2 21. Plaintiff is informed and believes, and on this basis alleges, however, that the
3 California Medical Board investigated Dr. Heaps in or about 2014—during, on information
4 and belief—a time in which Dr. Heaps’ practice was being acquired by UCLA and when he
5 was being hired as an employee of the UC Regents (the “2014 Medical Board Investigation”).
6 On information and belief, the 2014 Medical Board investigation arose from an allegation that
7 Dr. Heaps acted in a medically inappropriate and sexual manner during a patient examination.
8 On information and belief, the UC Regents had knowledge that the 2014 Medical Board
9 Investigation was taking place at the time that it was ongoing. On information and belief, the
10 UC Regents failed to take corrective action.

11 22. In or about January 2015, during Dr. Heaps’ tenure at UCLA Health, a report of
12 sexually inappropriate conduct by Dr. Heaps was posted on Yelp, a public review website.
13 The young woman who posted on Yelp stated that the misconduct she alleged, which included
14 Dr. Heaps groping her breast and making inappropriate comments during a post-operative
15 appointment with her, had occurred several years prior to her Yelp post and while she was a
16 UCLA student. The woman who posted on Yelp detailed her experience with this harassment
17 and molestation by Dr. Heaps and its aftermath, stating that, “7 years later, I still feel
18 violated.”

19 23. Subsequent to the 2014 Medical Board Investigation, and despite the existence
20 of at least one accusation of sexual misconduct on a public website detailed above, Dr. Heaps
21 continued to practice as a UCLA gynecologist, both in his UCLA Health office and, on
22 information and belief, at Ronald Reagan UCLA Medical Center. As discussed above,
23 Dr. Heaps was paid one of the highest salaries of any UC system employee in 2016 and, on
24 information and belief, in other years during his UCLA tenure.

25 24. In or about early December 2017, a patient of Dr. Heaps complained to UCLA
26 in detail about the verbal and physical sexual harassment and abuse that she had been forced
27 to endure at the hands of Dr. Heaps. Nonetheless, UCLA chose to ratify Dr. Heaps’ conduct,
28 allowing him to continue practicing and seeing patients uninterrupted for the better part of a

1 year. Those patients—likely hundreds in number—were seeking routine care and were
2 unwittingly exposed to a serious threat of lasting harm. Notwithstanding these complaints—
3 and despite being on notice of Dr. Heaps’ malfeasance—the UC Regents continued to employ
4 or otherwise affiliate with Dr. Heaps and ratify his conduct, allowing him to maintain his
5 practice and see patients, which he did until mid-2018.

6 25. Plaintiff is further informed and believes that, in or before mid-2018, the UC
7 Regents were informed of an employee complaint against Dr. Heaps involving sexual
8 harassment and retaliation. Notwithstanding these allegations, the UC Regents failed to put
9 appropriate safeguards in place to prevent foreseeable harm to female gynecological patients.

10 26. The UC Regents failed to take prompt action in response to complaints received
11 about Dr. Heaps, including the aforementioned complaints. Instead, to avoid negative
12 publicity, the UC Regents continued to provide Dr. Heaps unfettered access to patients,
13 including young female students at UCLA and female patients at UCLA Health.

14 **Plaintiff Doe 10 Is Sexually Battered and Harassed by Dr. Heaps**
15 **During Routine Gynecological Examinations**

16 27. From in or about the mid-2000’s to on or about October 15, 2015, Plaintiff Doe
17 10 sought both routine care from Dr. Heaps, as well as treatment for uterine fibroids. Plaintiff
18 Doe 10 had long suffered with fibroids and had sought medical care from numerous doctors to
19 treat the condition, with little success. As a result of Dr. Heaps’ representations about his own
20 capabilities as a physician who could purportedly successfully treat severe fibroids, Plaintiff
21 Doe 10 became dependent on Dr. Heaps for her care and placed trust and confidence in him.

22 28. As a result of these assurances by Dr. Heaps, and the reasonable trust that she
23 placed in him as a physician who was providing her with legitimate medical treatment and
24 care, Plaintiff Doe 10 proceeded to see Dr. Heaps on numerous occasions over several years
25 between in or about the mid-2000’s until late 2015 on an annual basis or every other year.

26 29. At each of these appointments, Dr. Heaps groped and massaged Plaintiff Doe
27 10’s breasts— using both hands at once to push her breasts together, in a lengthy “examination”
28 that Plaintiff now understands was both grossly inappropriate and medically unnecessary.

1 During these “exams,” Dr. Heaps told Plaintiff Doe 10 that he had to be overly aggressive in
2 examining her breasts as she purportedly “had dense, fibrous tissue in her breasts.” This
3 assurance lulled Plaintiff Doe 10 into a belief that the way in which Dr. Heaps was performing
4 breast “exams” on her was medically appropriate. During these breast exams, Dr. Heaps also
5 repeatedly made comments which Plaintiff Doe 10 now understands were harassing, including
6 “complimenting” the size and appearance of her breasts and stating that her breasts are “really
7 nice for [your] age.” During these examinations, there were sometimes female chaperones
8 present. However, the chaperones looked away or appeared uninterested. The chaperones did
9 nothing to intervene or stop the abuse and, on information and belief, did not report the abuse.
10 The conduct of the chaperones lulled Plaintiff Doe 10 into a belief that nothing inappropriate
11 was occurring during these “exams.”

12 30. At each of these appointments, Dr. Heaps also performed overly-lengthy pelvic
13 examinations, which were aggressive in nature, purportedly to “check” for any fibroids.. Dr.
14 Heaps repeatedly told Plaintiff Doe 10 that the pelvic exam would “take a while” because of
15 the size of her anatomy and because it was purportedly difficult for Dr. Heaps to do the pelvic
16 examination. Plaintiff Doe 10 now believes that, in fact, Dr. Heaps, was sexually gratified by
17 these lengthy exams and that his statements were not medically accurate, but were instead
18 intended to lull her into a belief that he was acting appropriately.

19 31. During each of her visits to the office, purportedly because of her uterine
20 fibroids, Dr. Heaps also performed transvaginal ultrasounds on Plaintiff Doe 10, a routine
21 procedure which involves the insertion into the vagina of an ultrasound wave-producing
22 device, called a transducer, to produce images on a screen of the organs in the pelvic region.
23 Each time he performed a transvaginal ultrasound, Plaintiff Doe 10 now understands that Dr.
24 Heaps engaged in grossly inappropriate conduct that was sexual in nature, including an
25 overly-lengthy exam in which Dr. Heaps aggressively used the transducer so as to attempt to
26 sexually stimulate Plaintiff Doe 10.

27 32. At one appointment in particular, on or about October, 15, 2015, Dr. Heaps
28 performed what Plaintiff Doe 10 now understands to have been an abusive breast “exam,”

1 which was overly –lengthy and during which Dr. Heaps used both hands to push, massage and
2 grope Plaintiff Doe 10’s breasts. At that same appointment, Dr. Heaps also performed an
3 overly-lengthy pelvic exam in which he engaged in touching which Plaintiff Doe 10 now
4 believes was of a sexual nature and not medically necessary. Finally, Dr. Heaps again
5 performed a lengthy and aggressive transvaginal ultrasound on Plaintiff Doe 10, during which
6 he used the transducer in a manner which Plaintiff Doe 10 now believes was designed to
7 sexually stimulate Plaintiff Doe 10 and gratify Dr. Heaps. During the course of the
8 ultrasound, Dr. Heaps also rubbed Plaintiff Doe 10’s thigh in a manner which she now
9 believes was inappropriate, harassing and not medically necessary.

10 33. During this transvaginal ultrasound procedure, on or about October 15, 2015,
11 Dr. Heaps also asked Plaintiff Doe 10 questions she now believes were inappropriate,
12 including with regard to what sexual positions she “likes.” Dr. Heaps also told Plaintiff Doe
13 10 that she should have sexual intercourse more frequently and “not to worry about germs,”
14 i.e., any sexually transmitted infections that she might acquire, because she “isn’t getting any
15 younger.” Plaintiff Doe 10 is now aware that there was no medical justification for such
16 statements. There was a nurse present at certain times during this appointment, but the nurse
17 appeared not to be paying attention and gave Plaintiff Doe 10 no indication that Dr. Heaps’
18 conduct or statements were improper nor did anything to intervene or stop this harassment.
19 The nurse’s lack of reaction to Dr. Heaps’ conduct again lulled Plaintiff Doe 10 into believing
20 that Dr. Heaps was acting in a medically appropriate manner.

21 34. On further information and belief, on or about June 30, 2018, Dr. Heaps ceased
22 providing services to patients through UCLA Health. On information and belief, on or about
23 June 19, 2018, UCLA Health sent a letter, authored by Dr. Deborah Krakow, MD, Professor
24 and Chair of the Department of Obstetrics and Gynecology and Professor of Human Genetics
25 and Orthopedic Surgery, David Geffen School of Medicine at UCLA, to patients of Dr. Heaps.
26 In that letter, Dr. Krakow stated that “[i]t is with mixed emotions that I announce the
27 retirement of Dr. James Heaps.” At the time that UCLA Health sent this notification letter to
28 patients of Dr. Heaps, UCLA Health was aware of specific allegations against Dr. Heaps and

1 of the then-ongoing California Medical Board Investigation of Dr. Heaps.

2 35. All of the actions of Dr. Heaps alleged in the following causes of action were
3 ratified and approved by the officers or managing agents of the UC Regents. Further, the UC
4 Regents had notice of Dr. Heaps' unfitness in advance of his sexual battery and harassment of
5 Plaintiff, yet failed to take corrective action to protect Plaintiff or other students or patients.
6 Despite this notice, the UC Regents allowed Dr. Heaps to remain employed and left him in a
7 position where he could molest, batter, and harass Plaintiff Doe 10, other patients, and
8 students.

9 36. The UC Regents condoned and ratified the conduct of Dr. Heaps by their
10 advance notice of Dr. Heaps' unfitness at work, by their failure to make required reports of
11 suspected abuse, and by their failure to take immediate corrective action to protect Plaintiff
12 Doe 10 and other patients (including students) from further harm after reports—and formal
13 California Medical Board investigations—of Dr. Heaps' sexual assault of patients.

14 37. As discussed throughout, Defendant UC Regents also failed to put in place
15 appropriate safeguards to prevent foreseeable harm to female gynecological patients, including
16 imposition of a policy providing for the mandatory presence of an independent and
17 appropriately trained chaperone, to prevent, deter and report any misconduct in the context of
18 gynecological examinations and procedures. Defendant UC Regents also failed adequately (or
19 at all) to train its employees and agents in how to recognize and report any sexual or medical
20 battery or harassment.

21 38. The female chaperones who were at times in the room during Dr. Heaps' sexual
22 battery and harassment of Plaintiff Doe 10 acted recklessly and negligently, in that they failed
23 to reasonably perform their duties as a chaperone and failed to act with the ordinary care one
24 would expect. The chaperones—on information and belief, employees of the UC Regents—
25 failed to raise any alarms during Dr. Heaps' misconduct (which they witnessed) or take any
26 other reasonably expected actions to prevent or stop the misconduct, despite being aware of
27 the lack of medical necessity of Dr. Heaps' touching and comments to Plaintiff Doe 10.
28 Further, on information and belief, the chaperones did not report Dr. Heaps' misconduct.

1 39. Plaintiff Doe 10 is now informed and believes, and based thereon alleges, that
2 the UC Regents further breached its duties owed to Plaintiff Doe 10 and other patients by,
3 among other things, failing to conduct reasonable investigation and/or due diligence prior to
4 hiring individuals assigned to assist Dr. Heaps during the relevant time period, including those
5 charged with the important task of chaperoning gynecological examinations.

6 40. On information and belief, this nurse/chaperone employed by UCLA Health
7 from in or about 2003 until in or about 2016 was retained despite the fact that she was – in or
8 about 2008– criminally charged with welfare fraud and perjury and pleaded guilty to welfare
9 fraud . On information and belief, during the time she was employed by the UC Regents, this
10 nurse/chaperone was also a defendant in a civil harassment suit. It is unclear why such an
11 individual would be hired into a position of trust, with access to private patient medical and
12 personal information. Nor is it clear why such a person would be called upon to act as a
13 chaperone and purportedly safeguard women’s well-being and safety.

14 41. In addition, on information and belief, during the time in which she was
15 employed by UCLA as a nurse/chaperone in the office of Dr. Heaps, this nurse/chaperone was
16 charged with driving under the influence of alcohol and was again (the next year) charged
17 with driving under the influence of drugs and alcohol. On information and belief, in both
18 instances, the nurse/chaperone pleaded no contest in response to the charges.

19 42. As a result of these charges, on information and belief, the Board of Vocational
20 Nursing and Psychiatric Technicians, Department of Consumer Affairs, initiated proceedings
21 against this individual’s nursing license (the “Accusation”). The Accusation alleges that this
22 nurse/chaperone’s medical records indicated that she took a bottle of Xanax pills causing her
23 to “black out” while driving. The Accusation also alleges that an outpatient program
24 diagnosed her with “unspecified alcohol dependence, unspecified drinking behavior, and
25 sedative, hypnotic, or anxiolytic dependence.” Quite obviously, the UC Regents was on
26 notice that this nurse was unfit to perform the duties for which she was employed, including
27 chaperoning gynecological procedures and providing medical treatment to patients.

28 43. Dr. Heaps’ misconduct, the chaperones’ silence and inaction—and the UC

1 Regents’ cover up—has resulted in tremendous harm to Plaintiff Doe. The physical and
2 psychological aftermath of Dr. Heaps’ conduct has been severe for Plaintiff Doe. Since
3 coming to understand what was done to her, she has suffered from shock, humiliation,
4 embarrassment and other forms of severe emotional distress. This has resulted in
5 sleeplessness, lack of focus, anxiety, flashbacks, and other physical and psychological
6 manifestations of the distress caused by Defendants’ egregious acts.

7 **THE PARTIES**

8 44. Plaintiff Jane Doe 10 currently resides in the County of Los Angeles, State of
9 California.

10 45. Defendant UC Regents is, and at all times relevant hereto was, a California
11 Corporation having its principal place of business in the State of California. Upon information
12 and belief, the UC Regents is the governing body of the University of California and exercises
13 the ultimate dominion and control of the same. UCLA is an educational institution of higher
14 learning.

15 46. Plaintiff Doe 10 is informed and believes, and on that basis alleges, that UC
16 Regents owned, operated, and maintained UCLA Health, through which medical services
17 were provided to Plaintiff Doe 10, pursuant to licenses issued by the California State
18 Department of Health and provided health care as healthcare facilities.

19 47. Plaintiff Doe 10 is informed and believes, and on that basis alleges, that
20 Defendant Dr. Heaps is, and at all times relevant hereto was, an individual residing in the State
21 of California. At all times mentioned herein, Dr. Heaps was a physician licensed by the State
22 of California to practice medicine, and was the employee and/or agent of the UC Regents.

23 48. Plaintiff Doe 10 is ignorant of the true name of the female nurses/chaperones
24 that were in the room during Dr. Heaps’ sexual battery and harassment of Plaintiff Doe 10,
25 and therefore sues these defendants as Roes 1-5. Upon information and belief, Plaintiff Doe
26 alleges that Roes 1-5 were nurses employed by the UC Regents. Plaintiff Doe 10 will amend
27 this Complaint to allege Defendants Roes 1-5’s true names and capacities when it has been
28 ascertained or upon proof at trial. Plaintiff Doe 10 alleges that Roes 1-5 are legally

1 responsible in some manner for the occurrences and damages alleged herein and/or are jointly
2 and severally liable.

3 49. Plaintiff Doe 10 is ignorant of the true names and capacities of defendants sued
4 as Roe Nos. 6 through 20, inclusive, and sues these Roe defendants by these fictitious names.
5 Plaintiff Doe 10 will amend this Complaint to allege their true names and capacities when they
6 have been ascertained or upon proof at trial. Plaintiff Doe 10 alleges that each of the
7 fictitiously named Roe defendants is legally responsible in some manner for the occurrences
8 and damages alleged herein and/or is jointly and severally liable for the obligations of the
9 other defendants.

10 50. Plaintiff Doe 10 is informed and believes, and based thereon alleges, that at all
11 times relevant each of the defendants, including the Roe Defendants, was the agent, employee,
12 manager, supervisor, owner, servant and joint venturer of each of the remaining Defendants
13 and that in doing the things alleged, was acting within the course, scope and authority of such
14 agency, employment, supervision, management, ownership and joint venture, and with the
15 consent and permission of each of the other Defendants. Unless otherwise indicated, all
16 Defendants, including the Roe Defendants, are collectively referred to herein as the
17 “Defendants.”

18 51. Plaintiff Doe 10 is informed and believes, and on that basis alleges, that, in
19 addition to its own independent conduct, UC Regents is vicariously liable for the acts,
20 misconduct, and omissions—both negligent and intentional—of Dr. Heaps and its other
21 employees, including but not limited to the female chaperones who were in the examination
22 room at the time of Dr. Heaps’ examination of Plaintiff Doe 10—as more particularly
23 described above, pursuant to the doctrine of *respondeat superior* and Cal. Gov’t Code § 815.2.
24 Dr. Heaps, the female chaperone, and others were acting in the course and scope of their
25 employment at the time of the allegations herein.

26 52. Once the 90 day wait period pursuant to CCP 364 expires without resolution,
27 Plaintiff Doe intends to amend her complaint to add a claim of professional negligence against
28 Defendants.

1 53. In the event that Dr. Heaps is convicted of felonies for the conduct alleged
2 herein, Plaintiff Doe 10 requests leave to amend this Complaint, such that a request for
3 attorneys' fees can be made against Dr. Heaps and Defendants pursuant to Code of Civil
4 Procedure § 1021.4.

5 **JURISDICTION AND VENUE**

6 54. This Court has personal jurisdiction of the UC Regents as it is, and at all times
7 relevant hereto was, a California corporation doing business in California.

8 55. This Court has personal jurisdiction of Dr. Heaps as he is, and at all times
9 relevant hereto was, an individual residing in the State of California.

10 56. At least some of the wrongful acts alleged herein occurred in the County of Los
11 Angeles; thus venue is properly in the County of Los Angeles.

12 **FIRST CAUSE OF ACTION**

13 **(Violations of Unruh Act against All Defendants: Civil Code § 51)**

14 57. Plaintiff Doe 10 incorporates Paragraphs 1 through 56 as though fully set forth
15 herein.

16 58. Plaintiff Doe 10's civil rights were violated by Defendants when they abused
17 and harassed Plaintiff Doe 10 and when they intentionally and fraudulently concealed
18 complaints of sexual exploitation, sexual abuse, sexual harassment and molestation by Dr.
19 Heaps from other patients. Plaintiff had a right to be free from gender discrimination, sexual
20 molestation, abuse and harassment under the Unruh Civil Rights Act.

21 59. The Defendants were acting under the color of their authority and in the scope of
22 their employment, during the instances when Plaintiff Doe 10 was a patient at UCLA Health.

23 60. The Defendants denied Plaintiff full and equal accommodations, advantages,
24 facilities, privileges and healthcare services because of her gender, by allowing Dr. Heaps
25 unfettered access to sexually abuse Plaintiff Doe 10, by and through his position of authority
26 as a UCLA Health gynecologist, by actively concealing from Plaintiff the knowledge that
27 Dr. Heaps was a serial sexual predator, which the UC Regents enabled and which conduct the
28 UC Regents ratified.

1 61. By employing and retaining Dr. Heaps as a gynecologist at UCLA Health,
2 despite their knowledge of reports of Dr. Heaps' sexually abusive nature, Defendants exposed
3 female patients, including Plaintiff Doe 10, to Dr. Heaps' sexual abuse and harassment.
4 Defendants' retention of Dr. Heaps denied Plaintiff Doe, and all of their other female patients,
5 full and equal access to safe medical facilities, treatment and services, based upon their
6 gender.

7 62. The substantial motivating reason for the UC Regents' conduct of actively
8 concealing numerous complaints of Dr. Heaps' sexually abusive nature was Plaintiff's gender,
9 as Defendants knew that only its female patients would seek gynecological treatment from
10 Defendant Heaps and, thus, would be unwittingly subjected to his sexual assault, battery and
11 harassment.

12 63. As a direct and proximate result of Defendants' tortious acts, omissions,
13 wrongful conduct and breaches of their duties, Plaintiff has suffered substantial general,
14 special, and consequential damage in an amount to be proven at trial, but in no event less than
15 the minimum jurisdictional amount of this Court.

16 64. As a further direct and proximate result of Defendants' collective and concerted
17 wrongful actions, as herein alleged, Plaintiff Doe 10 has been hurt in her health, strength and
18 activity. Plaintiff has sustained permanent and continuing injury to her nervous systems and
19 person, which has caused and continues to cause great mental and physical pain, suffering,
20 fright, upset, grief, worry and shock in an amount according to proof at trial but in no event
21 less than the jurisdictional minimum requirements of this Court.

22 **SECOND CAUSE OF ACTION**

23 **(Violations of Bane Act against All Defendants: Civil Code § 52.1)**

24 65. Plaintiff Doe 10 incorporates Paragraphs 1 through 64 as though fully set forth
25 herein.

26 66. Defendants' actions, as alleged herein, have had and will continue to interfere
27 with Plaintiff Doe 10's right to be free from gender discrimination in the form of sexual
28 harassment, codified under Cal. Civ. Code § 52.1.

1 67. During Plaintiff Doe 10’s time as a patient at UCLA Health, Defendants
2 engaged in oppressive and unlawful tactics in abusing and harassing Plaintiff Doe, as well as
3 ignoring, concealing, and suppressing other patients’ complaints of being sexually exploited
4 and abused by Dr. Heaps. These intentional acts of concealment of Dr. Heaps’ abusive
5 behavior violated Plaintiff Doe’s right to be free from discrimination on the basis of her
6 gender, under Cal. Civ. Code § 52.1.

7 68. Defendants’ wrongful conduct was intended to, and did successfully interfere
8 with Plaintiff Doe 10’s Constitutional rights to be free from gender discrimination and
9 harassment, as well as interfered with her rights of Due Process under the United States’
10 Constitution, specifically the Fifth and Fourteenth Amendments.

11 69. Defendants unlawfully and wrongfully used, or employed others to wrongfully
12 use, threats, intimidation, harassment, violence, and coercion over Plaintiff’s person, to which
13 Plaintiff, who did not have knowledge that the conduct in which Defendants were engaging
14 was not medically necessary, had no relief except to submit to the Defendants’ wrongful
15 threats, intimidation, harassment, violence, and coercion, which rendered Plaintiff’s
16 submission involuntary.

17 70. Defendants’ above-noted actions were the legal and proximate causes of
18 physical, psychological, and emotional damages to Plaintiff Doe 10, who has suffered and
19 continue to suffer to this day. The actions of Defendants have also resulted in Plaintiff Doe 10
20 incurring, and will require her to incur into the future, expenses for medical and psychological
21 treatment, therapy, and counseling.

22 71. As a result of the above-described conduct, Plaintiff suffered and continues to
23 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
24 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
25 enjoyment of life; has suffered and continues to suffer and was prevented and will continue to
26 be prevented from performing daily activities and obtaining the full enjoyment of life; and
27 has incurred and will continue to incur expenses for medical and psychological treatment,
28 therapy, and counseling.

1 72. In subjecting Plaintiff to the wrongful treatment described herein, Defendants
 2 acted willfully and maliciously with the intent to harm Plaintiff, and in conscious disregard of
 3 Plaintiff Doe 10's rights, entitling Plaintiff Doe 10 to compensatory damages in a sum to be
 4 shown according to proof, emotional distress damages in a sum to be shown according to
 5 proof, punitive and/or exemplary damages (with regard to Dr. Heaps), attorney's fees, other
 6 damages pursuant to Civil Code section 52(b)(1), and a temporary restraining order or a
 7 preliminary or permanent injunction ordering Defendants to refrain from conduct or activities
 8 as alleged herein, stating "VIOLATION OF THIS ORDER IS A CRIME PUNISHABLE
 9 UNDER SECTION 422.77 OF THE PENAL CODE," and other such relief as the court deems
 10 proper.

11 73. In subjecting Plaintiff Doe 10 to the wrongful treatment herein described,
 12 Dr. Heaps acted willfully and maliciously with the intent to harm Plaintiff, and in conscious
 13 disregard of Plaintiff Doe 10's rights, so as to constitute malice and oppression under
 14 California Civil Code section 3294. Plaintiff Doe 10 is therefore entitled to the recovery of
 15 punitive damages against Dr. Heaps, in an amount to be determined according to proof.

THIRD CAUSE OF ACTION

(Committing and Enabling Sexual Harassment against All Defendants:

Civil Code § 51.9)

19 74. Plaintiff Doe 10 incorporates Paragraphs 1 through 73 as though fully set forth
 20 herein.

21 75. During Plaintiff Doe 10's time as a patient at UCLA Health, Defendants
 22 intentionally, recklessly and wantonly committed, enabled, and omitted, acts which resulted in
 23 harmful and offensive contact with intimate parts of Plaintiff Doe's person, including but not
 24 limited to: performing overly-lengthy pelvic examinations for his own sexual gratification,
 25 performing ultrasound procedures and breast exams in a sexual manner and making sexually
 26 inappropriate comments to Plaintiff, including complimenting her breasts and encouraging her
 27 to have "more sex", which Plaintiff Doe 10 has now come to understand were, without
 28 medical justification, all under the supervision of Defendant the UC Regents. Female

1 chaperones who were at times in the room during Plaintiff Doe’s examinations by Dr. Heaps
2 sat silently as Plaintiff Doe was mistreated.

3 76. During Plaintiff Doe 10’s time as a patient at UCLA Health, Defendants also
4 intentionally, recklessly and wantonly made, and enabled, what plaintiff Doe 10 has now
5 come to understand were sexual and exploitative statements of a prurient nature, based on
6 Plaintiff’s gender that were unwelcome, pervasive and severe, all under the supervision of
7 Defendant the UC Regents. Again, the female chaperones who were at times in the room at
8 the time of Plaintiff Doe 10’s examination sat silently as Plaintiff Doe was subjected to these
9 comments.

10 77. The incidents of abuse outlined herein took place while Plaintiff Doe was under
11 the control of Dr. Heaps and Defendant UC Regents in their capacities and positions as a
12 physician and as supervisors of physicians, medical professionals, and other staff at
13 Defendants’ premises, and while acting specifically on behalf of Defendants’ herein.

14 78. Because of Plaintiff Doe’s relationships with Defendants Dr. Heaps and the UC
15 Regents, Dr. Heaps’ status as a prominent and highly compensated gynecologist employed by
16 the Defendant UC Regents and promoted on the UCLA Health website as a highly skilled
17 physician, and Plaintiff Doe 10’s vulnerability as a gynecological patient, Plaintiff Doe was
18 unable to easily terminate the relationship she had with the Defendants.

19 79. Because of Dr. Heaps’ status, position of authority, physical seclusion of
20 Plaintiff Doe, her mental and emotional state, vulnerable position and the fact that she did not
21 understand that Dr. Heaps’ conduct was not medically necessary she was unable to, did not,
22 and could not, give consent to such acts.

23 80. Even though Defendant UC Regents knew or should have known of these
24 pervasive, illegal and inappropriate activities by Dr. Heaps, the UC Regents did nothing to
25 investigate, supervise or monitor Dr. Heaps to ensure the safety of the patients in their charge.
26 Nor did Defendant UC Regents put in place—or enforce—safeguards to prevent foreseeable
27 harm to female gynecological patients, including imposition of a policy providing for the
28 mandatory presence of an independent and properly trained chaperone, to prevent, deter and

1 report any misconduct in the context of gynecological examinations and procedures.
2 Defendant UC Regents also failed adequately (or at all) to hire appropriate chaperones or train
3 its employees and agents in how to recognize and report any sexual or medical battery or
4 harassment.

5 81. With regard specifically to the liability hereunder of Defendant UC Regents, a
6 corporation is a “person” within the meaning of Civil Code Section 51.9, which subjects
7 persons to liability for sexual harassment within a business, service or professional
8 relationship, and such an entity defendant may be held liable under this Statute for the acts of
9 its employees. *C.R. v. Tenet Healthcare Corp.*, 169 Cal.App.4th 1094 (2009). Further,
10 principles of ratification apply when the principal ratifies the agent’s originally unauthorized
11 harassment, as is alleged to have occurred herein.

12 82. Defendants’ conduct (and the conduct of their agents, servants and/or
13 employees) was a breach of their duties to Plaintiff Doe 10.

14 83. As a result of the above-described conduct, Plaintiff has suffered and continues
15 to suffer great pain of mind and body, shock, emotional distress, physical manifestations of
16 emotional distress including embarrassment, loss of self-esteem, disgrace, humiliation, and
17 loss of enjoyment of life; has suffered and continues to suffer and was prevented and will
18 continue to be prevented from performing daily activities and obtaining the full enjoyment of
19 life; and/or has incurred and will continue to incur expenses for medical and psychological
20 treatment, therapy, and counseling.

21 **FOURTH CAUSE OF ACTION**

22 **(Battery against All Defendants)**

23 84. Plaintiff Doe incorporates Paragraphs 1 through 83 as though fully set forth
24 herein.

25 85. During the course of treatment of Plaintiff Doe 10, Dr. Heaps used his powers
26 and abilities as a physician, and his knowledge and background and access to Plaintiff Doe 10,
27 to sexually batter Plaintiff Doe 10, knowing that she would be vulnerable to this type of sexual
28 battery. Dr. Heaps performed overly-lengthy pelvic exams for his own gratification and

1 performed ultrasound procedures and breast exams in a sexual manner which Plaintiff Doe 10
2 now understands were designed to sexually stimulate Plaintiff Doe 10 and gratify himself,
3 without medical justification, all under the supervision of the UC Regents.

4 86. The female chaperones who were at times in the room during the visits enabled
5 the sexual battery and assault of Plaintiff Doe 10 by failing to reasonably perform their duties
6 as a chaperones and failing to raise any alarms during Dr. Heaps' misconduct or take any other
7 reasonably expected actions to prevent the harm inflicted upon Plaintiff Doe 10.

8 87. Had Dr. Heaps not been in a position of power and authority over Plaintiff Doe
9 10 and had she not been treated by Defendants, she would have never permitted such sexual
10 contact by Dr. Heaps, which acts (she now understands) constituted a harmful or offensive
11 touching and battery upon her person.

12 88. Plaintiff Doe 10 did not consent to the sexualized touching and sexual contact.

13 89. Dr. Heaps' conduct was within the course and scope of his employment with
14 Defendants, and each of them, and was ratified by Defendants and each of them who had
15 advance notice of this misconduct. All of the conduct occurred during the course and scope of
16 Dr. Heaps' employment at UCLA. Plaintiff suffered severe emotional distress and physical
17 injury as a result of Dr. Heaps' misconduct and damages as otherwise alleged in this
18 complaint. In addition, at the time she was in the examination room and while she was
19 witnessing Dr. Heaps' battery of Plaintiff Doe, the female chaperones who were acting in the
20 course and scope of their employment with UCLA.

21 90. Defendant UC Regents is vicariously liable for the conduct alleged herein
22 because, even though Defendant UC Regents knew of these pervasive, illegal and
23 inappropriate activities by Dr. Heaps, the UC Regents did nothing to investigate, supervise or
24 monitor Dr. Heaps to ensure the safety of the patients in his charge. Nor did Defendant UC
25 Regents put in place—or enforce—safeguards to prevent foreseeable harm to female
26 gynecological patients, including imposition of a policy providing for the mandatory presence
27 of a properly trained independent chaperone, to prevent, deter and report any misconduct in
28 the context of gynecological examinations and procedures. Defendant UC Regents also failed

1 adequately (or at all) to train its employees and agents in how to recognize and report any
2 sexual or medical battery or harassment. Instead, Defendant UC Regents allowed Dr. Heaps
3 to continue to perform gynecological examinations of female patients despite knowledge that
4 he had committed battery and sexual battery and assault in the past.

5 91. In doing the acts alleged herein, Dr. Heaps used the power and authority
6 conferred upon him by Defendants the UC Regents to get access to patients such as Plaintiff
7 Doe 10. It is predictable and foreseeable, given Defendants' knowledge of Dr. Heaps' prior
8 misconduct and its negligent supervision of Dr. Heaps, and failure put in place—or enforce—
9 safeguards to prevent foreseeable harm to female gynecological patients, that someone in Dr.
10 Heaps' position would abuse the power and authority the UC Regents conferred upon him by
11 engaging in assaultive conduct. As such, Dr. Heaps' conduct is incident to his agency with the
12 UC Regents, so as to be fairly attributable to them.

13 92. As a proximate result of the above, Plaintiff Doe 10 suffered damages as
14 otherwise alleged in this Complaint.

15 93. Dr. Heaps' conduct alleged herein was despicable, and was done willfully and/or
16 with a conscious disregard of Plaintiff's rights, and/or intentionally, or maliciously, or in
17 reckless disregard of the high probability of injury to Plaintiff and others. Defendants, and
18 each of them, were in a special relationship with Plaintiff Doe 10 by virtue of the fact that she
19 was a patient at UCLA Health and receiving their services.

20 94. Defendants, and each of them, further knew that Plaintiff Doe was especially
21 vulnerable and susceptible to injury by persons such as Dr. Heaps in the absence of adequate
22 supervision, and by reason of the authority the UC Regents vested in Dr. Heaps. The UC
23 Regents acted in conscious disregard of the rights and safety of Plaintiff by ignoring the
24 danger posed by Dr. Heaps, and by putting him in a position of trust and authority over
25 Plaintiff Doe 10, and failing to take proper steps to protect Plaintiff Doe 10 and other patients.
26 It was reasonably foreseeable Plaintiff Doe 10 would receive physical injury and severe
27 emotional distress as a result of Dr. Heaps' malfeasance. Defendant UC Regents' conduct in
28 this regard was done with the intent to cause injury to Plaintiff Doe 10 and/or done with a

1 conscious disregard of the rights and safety of Plaintiff.

2 95. In subjecting Plaintiff Doe 10 to the wrongful treatment herein described,
3 Defendant Heaps acted willfully and maliciously with the intent to harm Plaintiff, and in
4 conscious disregard of Plaintiff Doe 10's rights, so as to constitute malice and oppression
5 under California Civil Code section 3294. Plaintiff Doe 10 is therefore entitled to the
6 recovery of punitive damages against Defendant Heaps, in an amount to be determined
7 according to proof.

8 **FIFTH CAUSE OF ACTION**

9 **(Sexual Battery against All Defendants: Civil Code Section 1708.5)**

10 96. Plaintiff Doe 10 incorporates Paragraphs 1 through 95 as though fully set forth
11 herein.

12 97. During Plaintiff Doe 10's time as a patient with Defendants, Dr. Heaps
13 intentionally, recklessly, and wantonly did acts which Plaintiff Doe 10 now understands were
14 intended to, and did, result in harmful and offensive contact with intimate parts of Plaintiff
15 Doe's person, including but not limited to: performing overly-lengthy pelvic exams designed
16 to gratify himself and performing ultrasound procedures and breast exams in a sexual manner
17 which Plaintiff Doe 10 now understands was designed to sexually stimulate Plaintiff Doe 10
18 and gratify himself, without medical justification, all under the supervision of the UC Regents.

19 98. Dr. Heaps did the aforementioned acts with the intent to cause a harmful or
20 offensive contact with an intimate part of Plaintiff Doe 10's person that would offend a
21 reasonable sense of personal dignity. Further, said acts did cause a harmful or offensive
22 contact with an intimate part of Plaintiff Doe 10's person that would offend a reasonable sense
23 of personal dignity.

24 99. Had Dr. Heaps not been in a position of power and authority over Plaintiff Doe
25 10 and had she not been treated by Defendants, she would have never permitted such sexual
26 contact by Dr. Heaps.

27 100. Plaintiff Doe 10 did not consent to this sexualized touching and sexual contact.

28 101. Dr. Heaps' conduct was within the course and scope of his employment with

1 Defendants, and each of them, and was ratified by Defendants and each of them who had
2 advance notice of this misconduct. All of the conduct occurred during the course and scope of
3 Dr. Heaps' employment at UCLA. Plaintiff suffered severe emotional distress and physical
4 injury as a result of Dr. Heaps' misconduct and damages as otherwise alleged in this
5 complaint.

6 102. At the time she was in the examination room and while they were witnessing
7 Dr. Heaps' battery of Plaintiff Doe 10, the female chaperones were acting in the course and
8 scope of their employment with UCLA.

9 103. Defendant UC Regents is vicariously liable for the conduct alleged herein
10 because, even though Defendant UC Regents knew of these pervasive, illegal and
11 inappropriate activities by Dr. Heaps, the UC regents did nothing to investigate, supervise or
12 monitor Dr. Heaps to ensure the safety of the patients in his charge. Nor did Defendant UC
13 Regents put in place—or enforce—safeguards to prevent foreseeable harm to female
14 gynecological patients, including imposition of a policy providing for the mandatory presence
15 of a properly trained independent chaperone, to prevent, deter and report any misconduct in
16 the context of gynecological examinations and procedures. Defendant UC Regents also failed
17 adequately (or at all) to train its employees and agents in how to recognize and report any
18 sexual or medical battery or harassment. Instead, Defendant UC Regents allowed Dr. Heaps
19 to continue to perform gynecological examinations of female patients despite knowledge that
20 he had committed battery and sexual battery and assault in the past.

21 104. In doing the acts alleged herein, Dr. Heaps used the power and authority
22 conferred upon him by Defendants the UC Regents to get access to patients such as Plaintiff
23 Doe 10. It is predictable and foreseeable, given Defendants' knowledge of Dr. Heaps' prior
24 misconduct and its negligent supervision of Dr. Heaps, and failure put in place—or enforce—
25 safeguards to prevent foreseeable harm to female gynecological patients, that someone in Dr.
26 Heaps' position would abuse the power and authority the UC Regents conferred upon him by
27 engaging in assaultive conduct. As Such, Dr. Heaps conduct is incident to his agency with the
28 UC Regents, so as to be fairly attributable to them.

1 105. As a proximate result of the above, Plaintiff Doe 10 suffered damages as
2 otherwise alleged in this Complaint. As a direct, legal, and proximate result of Dr. Heaps’
3 conduct, Plaintiff Doe 10 sustained serious and permanent injury to her person, all of his
4 damage in an amount to be shown according to proof and within the jurisdiction of the Court.

5 106. Plaintiff Doe 10 is informed and believes and based thereon alleges that the
6 conduct of Dr. Heaps was oppressive, malicious, and despicable in that it was intentional and
7 done in conscious disregard for the rights and safety of others, and was carried out with a
8 conscious disregard of Plaintiff Doe 10’s right to be free from tortious behavior, such as to
9 constitute oppression, fraud, or malice pursuant to California Civil Code section 3294,
10 entitling Plaintiff Doe to punitive damages against Dr. Heaps in an amount appropriate to
11 punish and set an example of Dr. Heaps and send a cautionary message to others similarly
12 situated.

13 **SIXTH CAUSE OF ACTION**

14 **(Intentional Infliction of Emotional Distress against All Defendants)**

15 107. Plaintiff Doe 10 incorporates Paragraphs 1 through 106 as though fully set forth
16 herein.

17 108. The conduct of defendants UC Regents and Dr. Heaps toward Plaintiff Doe 10,
18 as described herein, was outrageous and extreme.

19 109. A reasonable person would not expect or tolerate the sexual harassment,
20 exploitation, molestation, and abuse of Plaintiff Doe 10 by Dr. Heaps, nor tolerate or expect
21 the UC Regents’ knowledge of, and callous indifference to, the abuse. Plaintiff Doe 10 had
22 great faith, trust, and confidence in Defendants, which, by virtue of their wrongful conduct,
23 has now turned to fear, shame, and humiliation.

24 110. A reasonable person would not expect or tolerate the UC Regents placing
25 Dr. Heaps—who was known to the UC Regents to have physically and sexually abused other
26 patients—in a position of care of Plaintiff Doe 10, which enabled Dr. Heaps to have access to
27 Plaintiff Doe 10 so that he could commit wrongful sexual acts, including the conduct described
28 herein.

1 111. A reasonable person would not expect or tolerate the Defendants, their agents,
2 servants, and/or employees to be incapable of supervising, preventing, and stopping Dr. Heaps
3 from committing wrongful sexual acts with patients, including Plaintiff Doe 10, or to be
4 incapable or unwilling to supervise Dr. Heaps. A reasonable person would not expect a
5 chaperone whose presence was supposed to ensure Plaintiff Doe 10's comfort and safety
6 during a gynecological exam would sit idly by and not say anything while Plaintiff Doe 10
7 was being sexually abused by a physician. A reasonable person would not expect that UCLA
8 would not vet its nurse/chaperones to determine whether they have criminal histories and
9 remove them from their positions when it is clear that they have alcohol and drug
10 dependencies. Indeed the presence of the silent chaperone has now further exacerbated
11 Plaintiff Doe 10's extreme embarrassment and harm as she was subjected to what she now
12 understands to be misconduct with a silent audience.

13 112. Defendants' conduct described herein was intentional and malicious and done
14 for the purpose of causing or with the substantial certainty that Plaintiff Doe 10 would suffer
15 humiliation, mental anguish, and emotional and physical distress.

16 113. As a result of the above-described conduct, Plaintiff Doe 10 has suffered and
17 continues to suffer great pain of mind and body, shock, emotional distress, physical
18 manifestations of emotional distress including embarrassment, loss of self-esteem, disgrace,
19 shame, humiliation, and loss of enjoyment of life; has suffered and continues to suffer and was
20 prevented and will continue to be prevented from performing daily activities and obtaining the
21 full enjoyment of life; and has incurred and will continue to incur expenses for medical and
22 psychological treatment, therapy, and counseling.

23 114. In subjecting Plaintiff Doe 10 to the wrongful treatment described herein,
24 Dr. Heaps acted willfully and maliciously with the intent to harm Plaintiff Doe 10, and in
25 conscious disregard of her rights, so as to constitute malice and oppression under California
26 Civil Code section 3294. Plaintiff Doe 10 is therefore entitled to recover punitive damages
27 against Defendant Heaps, in an amount to be determined by the court.

28

SEVENTH CAUSE OF ACTION

(Negligent Infliction of Emotional Distress against all Defendants)

115. Plaintiff Doe 10 incorporates Paragraphs 1 through 114 as though fully set forth herein.

116. A reasonable person would not expect or tolerate the sexual harassment, exploitation, molestation, and abuse of Plaintiff Doe 10 by Dr. Heaps, nor tolerate or expect the UC Regents’ knowledge of and callous indifference to the abuse. Plaintiff Doe 10 had great faith, trust, and confidence in Defendants, which, by virtue of their wrongful conduct, turned to fear, shame, and humiliation.

117. A reasonable person would not expect or tolerate the UC Regents placing Dr. Heaps—who was known to the UC Regents to have physically and sexually abused other patients—in a position of care of Plaintiff Doe 10, which enabled Dr. Heaps to have access to Plaintiff Doe 10 so that he could commit wrongful sexual acts, including the conduct described herein.

118. A reasonable person would not expect or tolerate the Defendants, their agents, servants, and/or employees to be incapable of supervising, preventing, and stopping Dr. Heaps from committing wrongful sexual acts with patients, including Plaintiff Doe 10, or to be incapable or unwilling to supervise Dr. Heaps. A reasonable person would not expect a chaperone whose presence was supposed to ensure Plaintiff Doe’s comfort and safety during a gynecological exam would sit idly by and not say anything while Plaintiff Doe 10 was being sexually abused by a physician. A reasonable person would not expect that UCLA would not vet its nurse/chaperones to determine whether they have criminal histories and remove them from their positions when it is clear that they have alcohol and drug dependencies. Indeed looking back now on what she understands to be sexual abuse, the presence of the silent chaperone has further exacerbated Plaintiff Doe 10’s extreme embarrassment and harm as she was subjected to the misconduct with a silent audience.

119. Defendants had a special relationship with Plaintiff Doe 10 and/or had undertaken an obligation to her that necessarily implicated Plaintiff Doe 10’s emotional well-

1 being. Specifically, Defendants had a duty to take reasonable measures to prevent harm to
2 Plaintiff Doe 10 and to protect her from Dr. Heaps.

3 120. There was an especially likely risk that Defendants' negligent actions and
4 inactions would cause serious emotional distress to Plaintiff Doe 10. Defendants' failure to
5 take reasonable steps to institute safeguards to prevent sexual abuse and harassment caused
6 Plaintiff Doe 10 tremendous harm.

7 121. Defendants' negligence was a substantial factor in causing Plaintiff Doe serious
8 emotional distress.

9 **EIGHTH CAUSE OF ACTION**

10 **(Negligent Supervision and Retention against UC Regents)**

11 122. Plaintiff Doe 10 incorporates Paragraphs 1 through 121 as though fully set forth
12 herein.

13 123. By virtue of Plaintiff Doe 10's special relationship with the UC Regents as a
14 patient, and the UC Regents' relation to Dr. Heaps, Defendants owed Plaintiff Doe a duty not
15 to retain Dr. Heaps, given his dangerous and exploitative propensities, which Defendants
16 knew or should have known about.

17 124. Defendants expressly and implicitly represented that Dr. Heaps was a legitimate
18 gynecologist, and not a sexual threat to his female patients. As discussed throughout,
19 Dr. Heaps was well-compensated (a fact that was publically reported) and was acclaimed on
20 UCLA' websites as a highly skilled and professional physician.

21 125. At no time during the periods of time alleged herein did the UC Regents have in
22 place a reasonable system or procedure to investigate, supervise, and monitor its UCLA
23 physicians and healthcare personnel, including Dr. Heaps, to prevent sexual harassment,
24 sexual exploitation, molestation, and abuse of patients, nor did they implement a system or
25 procedure to oversee or monitor conduct toward patients and others in their care.

26 126. The UC Regents were aware, or should have been aware, and understood how
27 vulnerable gynecological patients were to sexual harassment, sexual exploitation, molestation,
28 and abuse by physicians and other persons of authority within the control of the UC Regents

1 prior to Plaintiff Doe 10's sexual abuse and exploitation by Dr. Heaps. As a result, Defendant
2 UC Regents should have put in place appropriate safeguards to prevent foreseeable harm to
3 female gynecological patients, including imposition of a policy providing for the mandatory
4 presence of an independent, properly trained chaperone, to prevent, deter and report any
5 misconduct in the context of gynecological examinations and procedures. Defendant UC
6 Regents also failed adequately (or at all) to train its employees and agents in how to recognize
7 and report any sexual or medical battery or harassment.

8 127. In fact, on information and belief, Defendant UC Regents knowingly hired at
9 least one individual which the UC Regents knew or should have known had a history of
10 criminality and fraud, and who—during the course of her employment as a nurse/chaperone in
11 Dr. Heaps' office—was arrested multiple times for DUI's stemming from alcohol and
12 prescription drug abuse. Defendant UC Regents thus further failed in their duty to provide
13 appropriate and skilled staff who could properly oversee intimate examinations and protect
14 female patients.

15 128. The UC Regents were put on notice, and should have known, that Dr. Heaps had
16 previously engaged, and continued to engage, in unlawful sexual conduct with female patients,
17 and that it was foreseeable, or should have been foreseeable, that Dr. Heaps was engaging in,
18 or would engage in, misconduct directed towards Plaintiff Doe 10 and others, under the
19 protection of the authority, confidence, and trust bestowed upon him through the UC Regents,
20 their agents, servants, and employees.

21 129. The UC Regents were placed on actual or constructive notice that Dr. Heaps had
22 molested or was molesting female patients during his employment. Defendants had
23 knowledge of inappropriate conduct, exploitation, and serial molestations committed by
24 Dr. Heaps during his employment, yet chose to allow him to interact with patients, including
25 Plaintiff Doe.

26 130. Despite the fact that the UC Regents knew, or should have known, of these
27 sexually exploitive activities being perpetrated by Dr. Heaps, the UC Regents failed to use
28 reasonable care in investigating Dr. Heaps and did nothing to reasonably investigate,

1 supervise, monitor, or terminate Dr. Heaps to ensure the safety of their patients.

2 131. The UC Regents' conduct in enabling Dr. Heaps to serially sexually assault his
3 female patients was a long-standing, gross, and inexcusable violation of the duty of care owed
4 to Plaintiff Doe 10.

5 132. Because the UC Regents:

6 (a) Had actual knowledge of the sexual exploitation, abuse, and harassment
7 being committed by Dr. Heaps;

8 (b) Failed to take action such as firing Dr. Heaps, reporting him to the police, or
9 reporting him to the California State Medical Board as mandated by Federal
10 Laws;

11 (c) Consciously and intentionally enabled Dr. Heaps to continue to sexually
12 exploit, abuse, and harass female patients by failing to take any of the above
13 action;

14 (d) Consciously and intentionally kept all of Dr. Heaps' exploitative, abusive,
15 and harassing behaviors secrets from patients and the public at large; and

16 (e) Failed to employ or train appropriate nurse/chaperones who could oversee
17 intimate examinations and report misbehavior;

18 the UC Regents have enabled and permitted the conduct of Dr. Heaps as set forth herein.

19 133. The UC Regents, their agents, servants, and/or employees knew Dr. Heaps was
20 sexually exploiting, abusing, and harassing female patients and refused to take any action to
21 stop him. Moreover, the UC Regents, their agents, servants, and/or employees hid this
22 information so Dr. Heaps could continue to work for UCLA, its clinics and facilities. With
23 knowledge of Dr. Heaps' sexual misconduct, no disciplinary action was taken by the UC
24 Regents and he was allowed to continue to interact with patients, including Plaintiff Doe 10.
25 The UC Regents, their agents, servants, and/or employees are thus responsible for Dr. Heaps'
26 acts of sexual exploitation, sexual assault, battery, and harassment.

27 134. As a result of the above-described conduct, Plaintiff Doe 10 has suffered and
28 continues to suffer great pain of mind and body, shock, emotional distress, physical

1 manifestations of emotional distress including embarrassment, loss of self-esteem, disgrace,
2 shame, humiliation, and loss of enjoyment of life; has suffered and continues to suffer and was
3 prevented and will continue to be prevented from performing daily activities and obtaining the
4 full enjoyment of life; and has incurred and will continue to incur expenses for medical and
5 psychological treatment, therapy, and counseling.

6 **NINTH CAUSE OF ACTION**

7 **(Negligent Ratification against the UC Regents)**

8 135. Plaintiff Doe 10 incorporates Paragraphs 1 through 134 as though fully set forth
9 herein.

10 136. At all times relevant herein, each Defendant was the agent, partner, joint
11 venturer, representative, servant, employee and/or co-conspirator of each of the other
12 Defendants, and was at all times mentioned herein acting within the course and scope of said
13 agency and employment, and that all acts or omissions alleged herein were duly committed
14 with the ratification, knowledge, permission, encouragement authorization and consent of
15 each Defendant designated herein.

16 137. Defendants and each of them were agents, principals, joint venturers, partners,
17 representatives, servants, employees and/or co-conspirators of each of the other Defendants,
18 each Defendant condoned and ratified the conduct of all other defendants, and was at all times
19 mentioned herein acting within the course and scope of said agency and employment,
20 authority and ratification.

21 138. The UC Regents learned Dr. Heaps had molested or was molesting female
22 patients during his employment. Defendants had knowledge of inappropriate conduct, and
23 exploitation committed by Dr. Heaps during his employment, yet chose to allow him to
24 continue interacting with patients, including Plaintiff Doe.

25 139. Despite the fact that the UC Regents learned about these sexually exploitive
26 activities being perpetrated by Dr. Heaps, the UC Regents failed to use reasonable care in
27 investigating Dr. Heaps and did nothing to reasonably investigate, supervise, monitor, or
28 terminate Dr. Heaps to ensure the safety of their patients.

1 140. In fact, on information and belief, Defendant UC Regents knowingly hired at
2 least one individual which the UC Regents knew or should have known had a history of
3 criminality and fraud, and who—during the course of her employment as a nurse/chaperone in
4 Dr. Heaps’ office—was arrested multiple times for DUI’s stemming from alcohol and
5 prescription drug abuse. Defendant UC Regents thus further failed in their duty to provide
6 appropriate and skilled staff who could properly oversee intimate examinations and protect
7 female patients.

8 141. The UC Regents’ conduct in enabling Dr. Heaps to serially sexually assault his
9 female patients was a long-standing, gross, and inexcusable violation of the duty of care owed
10 to Plaintiff Doe 10.

11 142. Because the UC Regents:
12 (a) Had actual knowledge of the sexual exploitation, abuse, and harassment
13 being committed by Dr. Heaps;
14 (b) Failed to take action such as firing Dr. Heaps, reporting him to the police, or
15 reporting him to the California State Medical Board as mandated by Federal
16 Laws;
17 (c) Consciously and intentionally enabled Dr. Heaps to continue to sexually
18 exploit, abuse, and harass female patients by failing to take any of the above
19 action;
20 (d) Consciously and intentionally kept all of Dr. Heaps’ exploitative, abusive,
21 and harassing behaviors secrets from patients and the public at large; and
22 (e) Failed to employ or train appropriate nurse/chaperones who could oversee
23 intimate examinations and report misbehavior.

24 the UC Regents have ratified the conduct of Dr. Heaps as set forth herein.

25 143. The UC Regents, their agents, servants, and/or employees learned Dr. Heaps
26 was sexually exploiting, abusing, and harassing female patients and refused take any action to
27 stop him. Moreover, the UC Regents, their agents, servants, and/or employees hid this
28 information so Dr. Heaps could continue to work for UCLA, its clinics and facilities. With

1 knowledge of Dr. Heaps' sexual misconduct, no disciplinary action was taken by the UC
2 Regents and he was allowed to be alone with gynecological patients. The UC Regents, their
3 agents, servants, and/or employees thus approved, ratified, and are responsible for Dr. Heaps'
4 acts of sexual exploitation, sexual assault, battery, and sexual harassment.

5 144. As a result of the above-described conduct, Plaintiff Doe has suffered and
6 continues to suffer great pain of mind and body, shock, emotional distress, physical
7 manifestations of emotional distress including embarrassment, loss of self-esteem, disgrace,
8 shame, humiliation, and loss of enjoyment of life; has suffered and continues to suffer and was
9 prevented and will continue to be prevented from performing daily activities and obtaining the
10 full enjoyment of life; and will continue to incur expenses for medical and psychological
11 treatment, therapy, and counseling.

12 **TENTH CAUSE OF ACTION**

13 **(Negligent Failure to Warn, Train, or Educate against the UC Regents)**

14 145. Plaintiff Doe 10 incorporates Paragraphs 1 through 144 as though fully set forth
15 herein.

16 146. Defendant UC Regents owed Plaintiff Doe 10 a duty to take reasonable
17 protective measures to safeguard Plaintiff and other female patients from the risk of sexual
18 battery by Dr. Heaps by properly warning, training or educating others, including their own
19 medical personnel, medical staff, administrators, and other agents, servants, and/or employees
20 (including chaperones) about how to avoid such a risk and what to do when such inappropriate
21 conduct is witnessed, reported, and/or discovered.

22 147. Defendant UC Regents breached its duty to take reasonable measures to protect
23 Plaintiff Doe 10 and other female patients from the risk of sexual harassment and abuse by
24 Dr. Heaps, such as the failure to properly warn, Plaintiff and other patients about Dr. Heaps.

25 148. Defendant UC Regents breached its duty to take reasonable protective measures
26 to safeguard Plaintiff and other patients from the risk of sexual harassment and abuse by
27 Dr. Heaps, by failing to supervise and stop employees, such as Dr. Heaps, and prevent them
28 from committing sexually abusive and exploitive acts upon patients, including Plaintiff Doe

1 10.

2 149. In fact, on information and belief, Defendant UC Regents knowingly hired at
3 least one individual which the UC Regents knew or should have known had a history of
4 criminality and fraud, and who—during the course of her employment as a nurse/chaperone in
5 Dr. Heaps’ office—was arrested multiple times for DUI’s stemming from alcohol and
6 prescription drug abuse. Defendant UC Regents thus further failed in their duty to provide
7 appropriate and skilled staff who could properly oversee intimate examinations and protect
8 female patients.

9 150. By breaching its duty, Defendant UC Regents unreasonably and wrongfully
10 exposed Plaintiff Doe 10 and other patients to sexual battery and abuse.

11 151. As a proximate result of the above-referenced conduct, Plaintiff has suffered and
12 continues to suffer great pain of mind and body, shock, emotional distress, shame, physical
13 manifestations of emotional distress including embarrassment, loss of self-esteem, disgrace,
14 humiliation, and loss of enjoyment of life; has suffered and continues to suffer and was
15 prevented and will continue to be prevented from performing daily activities and obtaining the
16 full enjoyment of life; and/or has incurred and will continue to incur expenses for medical and
17 psychological treatment, therapy, and counseling.

18 **ELEVENTH CAUSE OF ACTION**

19 **(Ordinary Negligence against Defendants UC Regents and Roes)**

20 152. Plaintiff Doe 10 incorporates Paragraphs 1 through 151 as though fully set
21 forth herein.

22 153. Defendants committed the negligent acts and/or negligent failures to act, as set
23 forth above, and those acts caused the emotional and physical harm endured by Plaintiff Doe.

24 154. Defendants owed Plaintiff a duty of care to act.

25 155. Defendants breached that duty of care by way of their conduct and failed to
26 exercise reasonable care, as detailed and alleged above.

27 156. For example, the chaperones who were at times in the room during Dr. Heaps’
28 sexual assault and harassment of Plaintiff Doe 10 acted negligently, in that they failed to

1 reasonably perform their duties as a chaperone and failed to act as a reasonably prudent
2 person. The chaperones failed to raise any alarms during Dr. Heaps' misconduct or take any
3 other reasonably expected actions to prevent the harm inflicted on Plaintiff Doe 10, despite the
4 fact that (a) the purpose of the chaperones was to protect Plaintiff Doe 10 and ensure that she
5 was comfortable and safe during the gynecological visit; and (b) the chaperones were aware of
6 the lack of medical necessity of Dr. Heaps' touching and questioning of Plaintiff Doe 10.
7 Further, the chaperones did not report Dr. Heaps' misconduct. At the time they were in the
8 examination room and while she was silently witnessing Dr. Heaps' infliction of harm to
9 Plaintiff Doe 10, the female chaperones were acting in the course and scope of their
10 employment with UCLA.

11 157. As a result of the above-described conduct, Plaintiff Doe 10 suffered and
12 continues to suffer great pain of mind and body, shock, emotional distress, physical
13 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace,
14 humiliation, and loss of enjoyment of life; has suffered and continues to suffer and was
15 prevented and will continue to be prevented from performing daily activities and obtaining the
16 full enjoyment of life; and has incurred and will continue to incur expenses for medical and
17 psychological treatment, therapy, and counseling.

18 **TWELFTH CAUSE OF ACTION**

19 **(Constructive Fraud against all Defendants)**

20 158. Plaintiff Doe 10 incorporates Paragraphs 1 through 158 as though fully set forth
21 herein.

22 159. By (a) holding Dr. Heaps out as an agent and trusted employee of UCLA Health,
23 (b) allowing and encouraging Dr. Heaps to undertake the medical care of vulnerable patients
24 such as Plaintiff; and (c) holding themselves out as a preeminent healthcare facility and
25 provider, Defendants entered into a confidential, fiduciary and special relationship with
26 Plaintiff.

27 160. Defendants breached their confidential, fiduciary and special duties to Plaintiff
28 by the wrongful and negligent conduct described above, and in doing so gained an advantage

1 over Plaintiff in matters relating to Plaintiff’s safety, security, and health.

2 161. By virtue of their confidential, fiduciary, and special relationship with Plaintiff,
3 Defendants owed Plaintiff a duty to:

- 4 (a) promptly and thoroughly investigate claims of sexual abuse or
5 harassment committed by its employees, agents, or affiliates (such as Dr.
6 Heaps) and reveal any such negative findings to Plaintiff, the
7 community, the Medical Board, and law enforcement;
- 8 (b) refuse to place Dr. Heaps in a position of trust and authority within the
9 UC Regents’ controlled and affiliated institutions and facilities;
- 10 (c) refuse to hold Dr. Heaps out to Plaintiff, other patients, students, and the
11 community at large as being a trustworthy physician in good standing, a
12 faculty member, and authority figure; and
- 13 (d) promptly disclose to Plaintiff, UCLA students, and the community at
14 large the reasons for his “retirement” in June 2018.

15 162. On information and belief, Defendants breached their respective duties by:

- 16 (a) failing to promptly and thoroughly investigate claims of sexual abuse or
17 harassment against Dr. Heaps;
- 18 (b) failing to disclose to Plaintiff, UCLA students, and the community at
19 large the reasons for Dr. Heaps’ retirement in June 2018;
- 20 (c) issuing no warnings about Dr. Heaps;
- 21 (d) permitting Dr. Heaps to routinely examine gynecological patients either
22 entirely unsupervised or supervised by untrained chaperones who were
23 derelict in their duty to report Dr. Heaps;
- 24 (e) failing to adopt policies that mandated the use of chaperones at all
25 gynecological visits or properly training their chaperones;
- 26 (f) hiring at least one nurse/chaperone with a history of criminality and who,
27 on information and belief, had alcohol and prescription drug addictions
28 during the time in which she was rendering nurse and chaperone services

- 1 to patients, including Plaintiff Doe 10;
- 2 (g) continuing to assign Dr. Heaps to duties which placed him in positions
- 3 of trust and authority over other patients;
- 4 (h) continuing to impliedly represent that Dr. Heaps was safe and morally fit
- 5 to give medical care and provide gynecological treatment; and
- 6 (i) continuing to promote Dr. Heaps as a faculty member and trusted
- 7 physician on the UCLA School of Medicine website even after he had
- 8 forcibly “retired.”

9 163. Defendant made affirmative or implied representations and nondisclosures of

10 material facts about Dr. Heaps and his suitability to provide gynecological care to patients,

11 and knowingly and intentionally suppressed material facts about past allegations of

12 misconduct against Dr. Heaps that the UC Regents knew or should have known about.

13 164. Given her need for medical treatment, and her trust and care in Defendants,

14 Plaintiff was vulnerable to Defendants.

15 165. At the time Defendants engaged in such suppression and acts of concealment,

16 such acts were done for the purpose of causing Plaintiff to forebear on her rights.

17 166. Defendants’ conduct did reasonably cause Plaintiff to forebear on her rights, and

18 Plaintiff justifiably relied upon Defendants for information about Dr. Heaps.

19 167. The misrepresentations, suppressions, and concealment of facts by Defendants

20 were intended to and were likely to mislead Plaintiff and others to believe that Defendants had

21 no knowledge of any misconduct by Dr. Heaps.

22 168. Defendants knew or should have known at the time they suppressed and/or

23 concealed the true facts about Dr. Heaps that the resulting impressions were misleading.

24 169. On information and belief, Defendants suppressed and concealed the true facts

25 regarding Dr. Heaps with the purpose of, among other things: (a) preventing Plaintiff and

26 others from learning that Dr. Heaps had and was continuing to sexually harass, molest, and

27 abuse patients, (b) inducing Plaintiff and other people to participate and financially support

28 Defendants’ programs and enterprises; (c) preventing further reports and investigations of

1 Defendants' misconduct; (d) avoiding damage to Defendants' reputations; and (e) protecting
2 Defendants' power, status, and reputation in the community.

3 170. Defendants knowingly conspired and gave each other substantial assistance to
4 perpetuate the misrepresentations, fraud, and deceit alleged herein in order to allow Dr. Heaps
5 to remain in his position as a physician, faculty member, and doctor (or retire with a good
6 reputation) so that they could maintain their standing in the community.

7 171. Plaintiff was misled by Defendants' suppression and acts of concealment, and in
8 reliance thereon, was induced to act or not act as intended by Defendants. Specifically,
9 Plaintiff was induced to believe there were no allegations of prior misconduct against
10 Dr. Heaps and that he was safe to be around patients and students. Had Plaintiff known the
11 true facts about Dr. Heaps, she would not have seen him for gynecological or other medical
12 care, and she would have acted sooner in reporting him or pursuing her claims.

13 172. As a direct and proximate result of the UC Regents' actions and/or inactions,
14 Plaintiff has been damaged as more fully set forth above.

15
16 **WHEREFORE**, Plaintiff Doe 10 prays for a jury trial and for judgment against
17 Defendants as follows:

18 **FOR ALL CAUSES OF ACTION**

- 19 1. For compensatory damages, in an amount to be determined at trial;
- 20 2. For costs of suit;
- 21 3. For interest based on damages, as well as pre-judgment and post-judgment
22 interest as allowed by law;
- 23 4. For declaratory and injunctive relief, including but not limited to court
24 supervision of the UC Regents;
- 25 5. For attorneys' fees as provided by statute;
- 26 6. For punitive damages as to Dr. Heaps;
- 27 7. For restitution and disgorgement; and
- 28 8. For such other and further relief as the Court may deem proper.

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DATED: August 16, 2019

THEODORA ORINGHER PC

By: /s/ Jennifer J. McGrath
Jennifer J. McGrath
Attorney for Plaintiff JANE DOE 10

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DEMAND FOR TRIAL BY JURY

Plaintiff Jane Doe 10 hereby demands a trial by jury in this action.

DATED: August 16, 2019

THEODORA ORINGHER PC

By: /s/ Jennifer J. McGrath
Jennifer J. McGrath
Attorney for Plaintiff JANE DOE 10

