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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 14

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

12  
13 JANE DOE 14,

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) Gender Violence
- (13) Sexual Assault
- (14) Unfair Business Practices (Business & Professions Code § 17200)
- (15) Constructive Fraud

**DEMAND FOR JURY TRIAL**

1 Plaintiff Jane Doe 14,<sup>1</sup> an individual (“Plaintiff Doe 14” or “Plaintiff” or “Doe 14”)  
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 14 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 14, who had  
15 recently found out through genetic testing that she is a carrier of a BRCA2 mutated gene,  
16 which predisposes her to early onset breast and ovarian cancers, as well as other types of  
17 cancer. Fearful of developing these deadly diseases as a result of her genetic predisposition, in  
18 or about 2014, Plaintiff Doe 14 sought Dr. Heaps’ care as a gynecological oncologist to  
19 monitor and safeguard her health. As a result, Plaintiff Doe 14 became extremely reliant on  
20 Dr. Heaps for her care and placed her complete trust and confidence in him and in his  
21 purported medical practices. Dr. Heaps abused that trust, engaging in what Plaintiff Doe 14  
22 has come to understand was sexually abusive conduct, including conduct designed to sexually  
23 stimulate Plaintiff Doe 14 and gratify himself.

24 4. Shamefully, Plaintiff is now informed and believes that the UC Regents and Dr.  
25 Heaps also profited financially from the sexual abuse, harassment and mistreatment which  
26 \_\_\_\_\_

27 <sup>1</sup> 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 Plaintiff Doe 14 endured. Plaintiff Doe 14 is now informed and believes that Dr. Heaps’  
2 insistence that she needed to have breast exams and transvaginal ultrasound procedures every  
3 three months because of her status as a BRCA2 gene carrier, was not medically sound and was  
4 greatly excessive.

5         5.       As such, Plaintiff Doe 14 must now live with the understanding that she was  
6 subjected to painful and uncomfortable procedures and inconvenience, as well as the  
7 concomitant worry and anxiety involved in cancer testing, for reasons that had nothing at all to  
8 do with appropriate medical care. Rather, on information and belief, Dr. Heaps had dual  
9 motives – financial gain from fraudulent overbilling and the opportunity to sexually abuse  
10 Plaintiff Doe 14. On information and belief, as discussed throughout, it is clear that the UC  
11 Regents were willing – and did—protect Dr. Heaps from being exposed as a sexual predator  
12 because the Regents profited to the tune of millions of dollars from this gross misconduct.

13         6.       On information and belief, Dr. Heaps had privileges at Ronald Reagan UCLA  
14 Medical Center for thirty years, beginning in 1988, and provided services at UCLA Student  
15 Health from 1983 to 2010. During his tenure as an employee of Defendant UC Regents,  
16 Dr. Heaps was a very high earner for UCLA, ranking on the 2016 list of highest paid UC  
17 employees, with an annual salary of \$1,182,265, as reported in an August 28, 2017 story in the  
18 Sacramento Bee entitled, *All 35 of the University of California’s highest-paid employees in*  
19 *2016 were men*. Dr. Heaps was also apparently considered an OBGYN “to the stars,” who  
20 was listed in the *Hollywood Reporter’s* annual *Best Doctors in Los Angeles* issue in 2015.

21         7.       Perhaps because of the millions of dollars in income that he generated for UCLA  
22 and the fact that he had powerful patients and was celebrated in the community (as recent  
23 times have made apparent that sexual predators so often are), Defendant UC Regents wholly  
24 failed to protect Plaintiff Doe 14 or other vulnerable women from Dr. Heaps.

25         8.       In fact, UCLA allowed Dr. Heaps to continue to examine female gynecological  
26 patients despite a history of similar complaints of misconduct and abuse, including (1) a  
27 California Medical Board investigation in 2014 (at or near the time that UCLA apparently  
28 acquired Dr. Heaps’ practice), which on information and belief involved allegations of sexual

1 misconduct during a patient examination; and (2) at least one claim that he sexually harassed  
2 and molested a UCLA student that was posted online in a public forum in early 2015.

3 9. In addition, on information and belief, UCLA did not institute basic protections  
4 in order to prevent sexual abuse of patients, including having independent, qualified, and  
5 trained chaperones present during examinations and/or, if any such protocols were in place,  
6 UCLA’s employees did not follow such protocols. Nor, on information and belief, did UCLA  
7 train or supervise its employees so as to make them aware of how to intervene should any  
8 medically unnecessary or inappropriate conduct occur, nor how to report such misconduct.  
9 Even though the abuse inflicted upon Plaintiff Doe 14 at times occurred in the presence of a  
10 chaperone, the chaperones—who, on information and belief were supervised by Dr. Heaps—did  
11 not act to stop the incident or report the incident to authorities.

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

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

1           12. Dr. Heaps’ actions and the inaction of the UC Regents and its employees (both  
2 before and after Plaintiff’s horrific encounters with Dr. Heaps as described herein), have  
3 caused Plaintiff Doe 14 tremendous and lasting harm, including feelings of fear and  
4 powerlessness, symptoms of post-traumatic stress disorder, and other physical and emotional  
5 manifestations of the severe emotional distress that she has suffered.

6           13. Dr. Heaps has now been arrested and charged with multiple felony counts,  
7 including in connection with alleged sexual battery of his patients. When Dr. Heaps was  
8 arrested, and publicity with regard to his misconduct was all but inevitable, the UC Regents  
9 changed course, then issuing a public statement contending that Dr. Heaps was “terminated”  
10 and that UCLA has purportedly taken corrective action. This communication was circulated  
11 to the UCLA “Campus Community” by the UCLA Chancellor and Vice Chancellor, UCLA  
12 Health Services. This is a far cry from the previous communication to patients announcing  
13 Dr. Heaps’ “retirement,” a communication that failed to alert the community to his misconduct  
14 or offer any assistance or support to Plaintiff Doe 14 or other victims.

15           14. When Plaintiff Doe 14 received the letter from UCLA informing her that Dr.  
16 Heaps was “retiring” she was very concerned for her health and the continuity of her care, as  
17 she had been told by Dr. Heaps that she needed to visit a gynecological oncologist for  
18 ultrasound and breast examinations every three months. Only when she sought care elsewhere  
19 after Dr. Heaps’ “retirement,” did Plaintiff come to understand that Dr. Heaps had required her  
20 to undergo far too many breast examinations and transvaginal ultrasound procedures than  
21 were in fact necessary, even for a carrier of a BRCA2 gene mutation. On information and  
22 belief, Dr. Heaps did so in order to have frequent and unfettered access to Plaintiff Doe 14 in  
23 order to sexually abuse and harass her and to charge her and her insurers for these procedures.  
24 Concerned about the continuity of her care, Plaintiff Doe 14 also called Dr. Heaps’ office on  
25 three separate occasions and asked why Dr. Heaps had resigned. The office staff to whom she  
26 spoke refused to answer her questions about the departure of Dr. Heaps.

27           15. Only when Dr. Heaps’ arrest became public, did Plaintiff Doe 14 come to  
28 understand what had been done to her by Dr. Heaps’ misconduct and UCLA’s inaction. Only

1 in the last few months has Plaintiff Doe 14 come to realize that Dr. Heaps conducted  
2 ultrasound procedures, pelvic exams and breast exams in an inappropriate and sexual manner  
3 and that the conduct to which she was subjected was not medically necessary.

4 16. Perhaps almost equally troubling, Plaintiff Doe 14 has now come to learn that  
5 Dr. Heaps was under active investigation at the time that Plaintiff Doe 14 saw him for her last  
6 two visits in December 2017 and April 2018—at which appointments he again engaged in  
7 conduct of a sexual nature during, *inter alia*, transvaginal ultrasound procedures. In fact, Dr.  
8 Heaps ceased practicing at UCLA just about two months after Plaintiff Doe 14’s last  
9 appointment at his office.

10 17. While at her last appointments with Dr. Heaps, on or about December 7, 2017  
11 and on or about April 18, 2018, Plaintiff Doe 14 had no way of knowing of the investigation  
12 that was at that time being conducted. Had Plaintiff Doe 14 had knowledge of the allegations  
13 that had been made against Dr. Heaps and of the fact that UCLA was considering whether Dr.  
14 Heaps had acted in sexual manner towards patients such that he constituted a threat to patient  
15 safety and merited termination, quite obviously she would never have consented to further  
16 examination or treatment by him. Plaintiff Doe 14 was not given such a choice by UCLA and  
17 suffered further sexual abuse as a result, abuse which has resulted in serious harm now and  
18 continuing into the future.

19 **BACKGROUND FACTS**

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

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

28 19. In that role, on information and belief, Dr. Heaps continued to provide

1 gynecological services to women, including Plaintiff Doe 14, at his office located at 100  
2 Medical Plaza in Westwood. On further information and belief, Dr. Heaps had privileges at  
3 Ronald Reagan UCLA Medical Center from 1988 to 2018, where he performed procedures  
4 and provided services to hospitalized female patients. On further information and belief,  
5 Dr. Heaps was a professor at the University of California Los Angeles David Geffen School of  
6 Medicine from 1989 until 2018.

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

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

16 **UCLA Turns a Blind Eye to Sexual Abuse, Harassment and Overbilling of Patients**  
17 **by Dr. Heaps**

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

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

28 24. It is unknown to Plaintiff Doe 14 what background information the UC Regents

1 sought from Dr. Heaps in advance of his being hired at UCLA (and his practice acquired by  
2 the UC Regents) in or about February 2014. It is unclear whether the UC Regents did any  
3 independent investigation of Dr. Heaps or his background when they sought to employ him to  
4 provide gynecological services to female patients at his UCLA Health office and at Ronald  
5 Reagan UCLA Medical Center.

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

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

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



1           28.     In or about early December 2017, a patient of Dr. Heaps complained to UCLA  
2 in detail about the verbal and physical sexual harassment and abuse that she had been forced  
3 to endure at the hands of Dr. Heaps. Nonetheless, UCLA chose to ratify Dr. Heaps’ conduct,  
4 allowing him to continue practicing and seeing patients (including Plaintiff Doe 14)  
5 uninterrupted for the better part of a year. Those patients—likely hundreds in number—were  
6 seeking routine care and were unwittingly exposed to a serious threat of lasting harm.  
7 Notwithstanding these complaints—and despite being on notice of Dr. Heaps’ malfeasance—  
8 the UC Regents continued to employ or otherwise affiliate with Dr. Heaps and ratify his  
9 conduct, allowing him to maintain his practice and see patients, which he did until mid-2018.

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

14           30.     The UC Regents failed to take prompt action in response to complaints received  
15 about Dr. Heaps, including the aforementioned complaints. Instead, to avoid negative  
16 publicity, the UC Regents continued to provide Dr. Heaps unfettered access to patients,  
17 including young female students at UCLA and female patients at UCLA Health.

18           31.     Plaintiff Doe 14 is further informed and believes that UCLA’s own internal  
19 investigation of Dr. Heaps’ medical and practices and billing found that he systemically  
20 overbilled patients, their private insurance companies and Medicare and other public agencies,  
21 including by falsely representing that he personally provided patient procedures or services  
22 that he did not, and by submitting inaccurate “billing codes” to payers in order to receive  
23 inflated reimbursements, all at the expense of patients payers. In light of this unlawful and  
24 fraudulent scheme perpetrated by Dr. Heaps, and by extension, UCLA, the report further  
25 recommends that UCLA Health issue refunds to those affected. The internal UCLA Health  
26 System Office of Compliance Services also stated in a confidential memorandum that,  
27 compared to his peers, Dr. Heaps had “an unusually high utilization rate” for transvaginal  
28 ultrasounds and colposcopies, which are both procedures which are expensive, uncomfortable

1 and which cause significant anxiety and worry for patients about results.

2 32. On information and belief, Plaintiff Doe 14 was over-treated and overcharged by  
 3 UCLA and Dr. Heaps. Because she was a BRCA2 carrier, Dr. Heaps was able to convince her  
 4 that she in fact needed breast and transvaginal ultrasounds on a very frequent basis. This  
 5 subjected Plaintiff Doe 14 to unnecessary physical pain and discomfort in connection with  
 6 these procedures and exams, worry, anxiety and concern about potential results and – far  
 7 worse—gave Dr. Heaps additional opportunities to sexually abuse and harass her with  
 8 impunity.

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

11 33. Plaintiff Doe 14 was a patient of Dr. Heaps from in or about 2014 until on or  
 12 about April 18, 2018. During that time, Dr. Heaps garnered Plaintiff Doe 14’s trust and  
 13 confidence, which he took advantage of in order to sexually abuse and molest her. Plaintiff  
 14 Doe 14 was particularly vulnerable to Dr. Heaps’ abuse because she had – only shortly before  
 15 becoming his patient – learned that she carried a mutation in the BRCA2 gene which made her  
 16 highly susceptible to the early onset of breast, ovarian and other cancers. As a result of this  
 17 news, in or about, 2014, a genetic counselor advised Plaintiff Doe 14 to seek care from a  
 18 gynecological oncologist and she became a patient of Dr. Heaps, whom she had been told was  
 19 among the best in his field.

20 34. Because Plaintiff Doe 14 carries a mutation in the BRCA2 gene, Dr. Heaps told  
 21 her that he needed to monitor her closely for both ovarian and breast cancer. Dr. Heaps  
 22 represented to Plaintiff Doe 14 that he needed to perform transvaginal ultrasounds—a  
 23 procedure that involves the insertion into the vagina of an ultrasound wave-producing device,  
 24 called a transducer, to produce images of the organs in the pelvic region— every three months.  
 25 Dr. Heaps also insisted to Plaintiff Doe 14 that she have manual breast examinations  
 26 performed by him every three months. Intensely fearful of developing cancer in light of her  
 27 genetic predisposition and trusting that Dr. Heaps’ advice was medically correct, Plaintiff Doe  
 28 14 made appointments with Dr. Heaps’ office approximately every three months from in or

1 about 2014 until his “retirement.” Plaintiff Doe 14 has subsequently learned that, in addition  
2 to being sexually abusive, as described herein, on information and belief, these frequent exams  
3 by Dr. Heaps were excessive in number and not medically necessary, thereby subjecting  
4 Plaintiff Doe 14 to unnecessary discomfort, intense worry and physical pain..

5         35. At a first visit (at which Dr. Heaps met and spoke with Plaintiff Doe 14’s  
6 mother), he garnered Plaintiff Doe 14’s trust and confidence. Thereafter, however, Dr. Heaps  
7 engaged in conduct that – as described herein Plaintiff Doe 14 has now to come to understand  
8 was abusive and harassing, including at appointments (during which breast “exams” and  
9 transvaginal ultrasound procedures were performed by Dr. Heaps) on the following dates: on  
10 or about May 29, 2014, August 21, 2014, November 24, 2014, February 25, 2015, May 28,  
11 2015, August 17, 2015, February 19, 2016, March 31, 2016, September 20, 2016, May 30,  
12 2017, December 7, 2017 and April 12, 2018. Plaintiff Doe 14, who worked and travelled  
13 extensively overseas, often returned to the U.S. to go to these appointments, which she now  
14 knows were often unnecessary and were scheduled, on information and belief, so that Dr.  
15 Heaps could engage in abusive conduct and so that he and the Regents could financially profit  
16 therefrom.

17         36. During breast examinations on the dates listed above, Dr. Heaps engaged in  
18 conduct which Plaintiff Doe 14 has now learned was abusive and designed to sexually gratify  
19 Dr. Heaps. Specifically, Dr. Heaps groped and massaged Plaintiff Doe 14’s breasts– using  
20 both hands at once to push her breasts together and rub and massage her nipples, in lengthy  
21 “examinations” that Plaintiff Doe 14 now understands were both grossly inappropriate and  
22 medically unnecessary. Dr. Heaps engaged in this conduct, which often occurred when there  
23 was no nurse or chaperone present, on every occasion in which he performed a breast  
24 “examination” on Plaintiff Doe 14.

25         37. In addition, during the course of pelvic exams which Dr. Heaps performed on  
26 certain of the visits listed above, Plaintiff has now come to understand that Dr. Heaps also  
27 engaged in sexual touching which was not medically necessary and which was designed to  
28 sexually stimulate Plaintiff Doe 14 and gratify Dr. Heaps. During such “exams,” there was

1 frequently a nurse present, but she would stand to the side and do nothing that indicated to  
2 Plaintiff Doe 14 that Dr. Heaps was engaging in misconduct. Nor, on information and believe,  
3 did any nurse ever report that the conduct in which Dr. Heaps was engaging was sexually  
4 abusive or take any other action to stop it or intervene.

5         38. Plaintiff Doe 14 has also come to understand that Dr. Heaps conducted frequent  
6 transvaginal ultrasound examinations – on the appointment dates listed above– in a sexually  
7 abusive manner. Dr. Heaps used the ultrasound transducer device to perform overly lengthy  
8 and aggressive exams, in a manner (including through the use of the transducer and his hand)  
9 which Plaintiff Doe 14 now understands was designed to stimulate Plaintiff Doe 14 and  
10 gratify Dr. Heaps sexually. Although Dr. Heaps would point out various things on the  
11 ultrasound monitor to Plaintiff Doe 14 during the exam, he would also watch her intensely for  
12 her reaction to what he was doing during the ultrasound examination. In addition, during the  
13 overly-aggressive exam, Dr. Heaps would make comments that Plaintiff Doe 14 now  
14 understands to be inappropriate, including asking Doe 14, “How can you still be single?”.  
15 Again, chaperones were at times present during these examinations, but were often not paying  
16 attention to what Dr. Heaps was doing and gave Plaintiff Doe 14 no indication that anything  
17 abusive, harassing or not medically necessary was occurring.

18         39. In the wake of Dr. Heaps’ “retirement,” Plaintiff Doe 14 is now being treated by  
19 a new gynecologist, who indicated to Plaintiff Doe 14 that it was not necessary for her to have  
20 breast exams or transvaginal ultrasound exams as frequently as Dr. Heaps had recommended.  
21 At the only transvaginal ultrasound procedure ordered by her new physician, in or about, April  
22 2019, the procedure was performed in a clinically appropriate manner far different than what  
23 Plaintiff Doe 14 had experienced when it was performed by Dr. Heaps.

24         40. On further information and belief, on or about June 30, 2018, Dr. Heaps ceased  
25 providing services to patients through UCLA Health. On information and belief, on or about  
26 June 19, 2018, UCLA Health sent a letter, authored by Dr. Deborah Krakow, MD, Professor  
27 and Chair of the Department of Obstetrics and Gynecology and Professor of Human Genetics  
28 and Orthopedic Surgery, David Geffen School of Medicine at UCLA, to patients of Dr. Heaps.

1 In that letter, Dr. Krakow stated that “[i]t is with mixed emotions that I announce the  
2 retirement of Dr. James Heaps.” At the time that UCLA Health sent this notification letter to  
3 patients of Dr. Heaps, UCLA Health was aware of specific allegations against Dr. Heaps and  
4 of the then-ongoing California Medical Board Investigation of Dr. Heaps.

5 41. Plaintiff Doe 14 received this letter in or about June 2018. Upon receiving it,  
6 Plaintiff Doe 14 was alarmed and had to act quickly to find another doctor because she  
7 believed—based on Dr. Heaps’ representations to her – that her health was at risk if she did  
8 not have both a breast examination and a transvaginal ultrasound to check her ovaries every  
9 three months. As discussed throughout, Plaintiff Doe 14 has subsequently learned from  
10 another physician, in or about December 2018, that these examinations need not happen so  
11 frequently. As such, Plaintiff Doe 14 has realized (in addition to the devastating realization  
12 that she had been sexually abused) that she was also subjected by Dr. Heaps to the discomfort,  
13 time, expense and worry involved in overly-frequent cancer screening examinations.

14 42. All of the actions of Dr. Heaps alleged in the following causes of action were  
15 ratified and approved by the officers or managing agents of the UC Regents. Further, the UC  
16 Regents had notice of Dr. Heaps’ unfitness in advance of his sexual battery and harassment of  
17 Plaintiff, yet failed to take corrective action to protect Plaintiff or other students or patients.  
18 Despite this notice, the UC Regents allowed Dr. Heaps to remain employed and left him in a  
19 position where he could molest, batter, and harass Plaintiff Doe 14, other patients, and  
20 students.

21 43. The UC Regents condoned and ratified the conduct of Dr. Heaps by their  
22 advance notice of Dr. Heaps’ unfitness at work, by their failure to make required reports of  
23 suspected abuse, and by their failure to take immediate corrective action to protect Plaintiff  
24 Doe 14 and other patients (including students) from further harm after reports—and formal  
25 California Medical Board investigations—of Dr. Heaps’ sexual assault of patients.

26 44. As discussed throughout, Defendant UC Regents also failed to put in place  
27 appropriate safeguards to prevent foreseeable harm to female gynecological patients, including  
28 imposition of a policy providing for the mandatory presence of an independent and

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

5 45. The female chaperones who were at times in the room during Dr. Heaps’ sexual  
 6 battery and harassment of Plaintiff Doe 14 acted recklessly and negligently, in that they failed  
 7 to reasonably perform their duties as a chaperone and failed to act with the ordinary care one  
 8 would expect. The chaperones—on information and belief, employees of the UC Regents—  
 9 failed to raise any alarms during Dr. Heaps’ misconduct (which they at times witnessed) or  
 10 take any other reasonably expected actions to prevent or stop the misconduct, despite being  
 11 aware of the lack of medical necessity of Dr. Heaps’ touching and comments to Plaintiff Doe  
 12 14. Further, on information and belief, the chaperones did not report Dr. Heaps’ misconduct.

13 46. Plaintiff Doe 14 is now informed and believes, and based thereon alleges, that  
 14 the UC Regents further breached its duties owed to Plaintiff Doe 14 and other patients by,  
 15 among other things, failing to conduct reasonable investigation and/or due diligence prior to  
 16 hiring individuals assigned to assist Dr. Heaps during the relevant time period, including those  
 17 charged with the important task of chaperoning gynecological examinations.

18 47. On information and belief, a nurse/chaperone employed by UCLA Health from  
 19 in or about 2003 until in or about 2016 (and who provided services for some period of time in  
 20 Dr. Heaps’ office) was retained despite the fact that she was – in or about 2008– criminally  
 21 charged with welfare fraud and perjury and pleaded guilty to welfare fraud. On information  
 22 and belief, during the time she was employed by the UC Regents, this nurse/chaperone was  
 23 also a defendant in a civil harassment suit. It is unclear why such an individual would be hired  
 24 into a position of trust, with access to private patient medical and personal information. Nor  
 25 is it clear why such a person would be called upon to act as a chaperone and purportedly  
 26 safeguard women’s well-being and safety.

27 48. In addition, on information and belief, during the time in which she was  
 28 employed by UCLA as a nurse/chaperone in the office of Dr. Heaps, this nurse/chaperone was

1 charged with driving under the influence of alcohol and was again (the next year) charged  
2 with driving under the influence of drugs and alcohol. On information and belief, in both  
3 instances, the nurse/chaperone pleaded no contest in response to the charges.

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

13 50. Dr. Heaps’ misconduct, the chaperones’ silence and inaction—and the UC  
14 Regents’ cover up—has resulted in tremendous harm to Plaintiff Doe. The physical and  
15 psychological aftermath of her appointment with Dr. Heaps has been severe for Plaintiff Doe.  
16 She has suffered from shock, humiliation, embarrassment and other forms of severe emotional  
17 distress, both in the terrible moments when she was being assaulted by Dr. Heaps and in the  
18 time since. This has resulted in sleeplessness, lack of focus, anxiety, flashbacks, and other  
19 physical and psychological manifestations of the distress caused by Defendants’ egregious  
20 acts.

21 **THE PARTIES**

22 51. Plaintiff Jane Doe 14 currently resides in the County of Los Angeles, State of  
23 California.

24 52. Defendant UC Regents is, and at all times relevant hereto was, a California  
25 Corporation having its principal place of business in the State of California. Upon information  
26 and belief, the UC Regents is the governing body of the University of California and exercises  
27 the ultimate dominion and control of the same. UCLA is an educational institution of higher  
28 learning.

1           53. Plaintiff Doe 14 is informed and believes, and on that basis alleges, that UC  
2 Regents owned, operated, and maintained UCLA Health, through which medical services  
3 were provided to Plaintiff Doe, pursuant to licenses issued by the California State Department  
4 of Health and provided health care as healthcare facilities.

5           54. Plaintiff Doe 14 is informed and believes, and on that basis alleges, that  
6 Defendant Dr. Heaps is, and at all times relevant hereto was, an individual residing in the State  
7 of California. At all times mentioned herein, Dr. Heaps was a physician licensed by the State  
8 of California to practice medicine, and was the employee and/or agent of the UC Regents.

9           55. Plaintiff Doe 14 is ignorant of the true name of the female nurses/chaperones  
10 that were in the room during Dr. Heaps' sexual battery and harassment of Plaintiff Doe 14,  
11 and therefore sues these defendants as Roes 1-5. Upon information and belief, Plaintiff Doe  
12 alleges that Roes 1-5 were nurses employed by the UC Regents. Plaintiff Doe 14 will amend  
13 this Complaint to allege Defendants Roes 1-5's true names and capacities when it has been  
14 ascertained or upon proof at trial. Plaintiff Doe 14 alleges that Roes 1-5 are legally  
15 responsible in some manner for the occurrences and damages alleged herein and/or are jointly  
16 and severally liable.

17           56. Plaintiff Doe 14 is ignorant of the true names and capacities of defendants sued  
18 as Roe Nos. 6 through 20, inclusive, and sues these Roe defendants by these fictitious names.  
19 Plaintiff Doe 14 will amend this Complaint to allege their true names and capacities when they  
20 have been ascertained or upon proof at trial. Plaintiff Doe 14 alleges that each of the  
21 fictitiously named Roe defendants is legally responsible in some manner for the occurrences  
22 and damages alleged herein and/or is jointly and severally liable for the obligations of the  
23 other defendants.

24           57. Plaintiff Doe 14 is informed and believes, and based thereon alleges, that at all  
25 times relevant each of the defendants, including the Roe Defendants, was the agent, employee,  
26 manager, supervisor, owner, servant and joint venturer of each of the remaining Defendants  
27 and that in doing the things alleged, was acting within the course, scope and authority of such  
28 agency, employment, supervision, management, ownership and joint venture, and with the



1 consent and permission of each of the other Defendants. Unless otherwise indicated, all  
2 Defendants, including the Roe Defendants, are collectively referred to herein as the  
3 “Defendants.”

4 58. Plaintiff Doe 14 is informed and believes, and on that basis alleges, that, in  
5 addition to its own independent conduct, UC Regents is vicariously liable for the acts,  
6 misconduct, and omissions—both negligent and intentional—of Dr. Heaps and its other  
7 employees, including but not limited to the female chaperones who were in the examination  
8 room at the time of certain of Dr. Heaps’ examinations of Plaintiff Doe 14—as more  
9 particularly described above, pursuant to the doctrine of *respondeat superior* and Cal. Gov’t  
10 Code § 815.2. Dr. Heaps, the female chaperone, and others were acting in the course and  
11 scope of their employment at the time of the allegations herein.

12 59. Once the 90 day wait period pursuant to CCP 364 expires without resolution,  
13 Plaintiff Doe intends to amend her complaint to add a claim of professional negligence against  
14 Defendants.

15 60. In the event that Dr. Heaps is convicted of felonies for the conduct alleged  
16 herein, Plaintiff Doe 14 requests leave to amend this Complaint, such that a request for  
17 attorneys’ fees can be made against Dr. Heaps and Defendants pursuant to Code of Civil  
18 Procedure § 1021.4.

19 **JURISDICTION AND VENUE**

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

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

24 63. At least some of the wrongful acts alleged herein occurred in the County of Los  
25 Angeles; thus venue is properly in the County of Los Angeles.

26 **FIRST CAUSE OF ACTION**

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

28 64. Plaintiff Doe 14 incorporates Paragraphs 1 through 63 as though fully set forth

1 herein.

2 65. Plaintiff Doe 14's civil rights were violated by Defendants when they abused  
3 and harassed Plaintiff Doe 14 and when they intentionally and fraudulently concealed  
4 complaints of sexual exploitation, sexual abuse, sexual harassment and molestation by Dr.  
5 Heaps from other patients. Plaintiff had a right to be free from gender discrimination, sexual  
6 molestation, abuse and harassment under the Unruh Civil Rights Act.

7 66. The Defendants were acting under the color of their authority and in the scope of  
8 their employment, during the instances when Plaintiff Doe 14 was a patient at UCLA Health.

9 67. The Defendants denied Plaintiff full and equal accommodations, advantages,  
10 facilities, privileges and healthcare services because of her gender, by allowing Dr. Heaps  
11 unfettered access to sexually abuse Plaintiff Doe 14, by and through his position of authority  
12 as a UCLA Health gynecologist, by actively concealing from Plaintiff the knowledge that  
13 Dr. Heaps was a serial sexual predator, which the UC Regents enabled and which conduct the  
14 UC Regents ratified.

15 68. By employing and retaining Dr. Heaps as a gynecologist at UCLA Health,  
16 despite their knowledge of reports of Dr. Heaps' sexually abusive nature, Defendants exposed  
17 female patients, including Plaintiff Doe 14, to Dr. Heaps' sexual abuse and harassment.  
18 Defendants' retention of Dr. Heaps denied Plaintiff Doe, and all of their other female patients,  
19 full and equal access to safe medical facilities, treatment and services, based upon their  
20 gender.

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

26 70. As a direct and proximate result of Defendants' tortious acts, omissions,  
27 wrongful conduct and breaches of their duties, Plaintiff has suffered substantial general,  
28 special, and consequential damage in an amount to be proven at trial, but in no event less than

1 the minimum jurisdictional amount of this Court.

2 71. As a further direct and proximate result of Defendants' collective and concerted  
3 wrongful actions, as herein alleged, Plaintiff Doe 14 has been hurt in her health, strength and  
4 activity. Plaintiff has sustained permanent and continuing injury to her nervous systems and  
5 person, which has caused and continues to cause great mental and physical pain, suffering,  
6 fright, upset, grief, worry and shock in an amount according to proof at trial but in no event  
7 less than the jurisdictional minimum requirements of this Court.

8 **SECOND CAUSE OF ACTION**

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

10 72. Plaintiff Doe 14 incorporates Paragraphs 1 through 71 as though fully set forth  
11 herein.

12 73. Defendants' actions, as alleged herein, have had and will continue to interfere  
13 with Plaintiff Doe 14's right to be free from gender discrimination in the form of sexual  
14 harassment, codified under Cal. Civ. Code § 52.1.

15 74. During Plaintiff Doe 14's time as a patient at UCLA Health, Defendants  
16 engaged in oppressive and unlawful tactics in abusing and harassing Plaintiff Doe, as well as  
17 ignoring, concealing, and suppressing other patients' complaints of being sexually exploited  
18 and abused by Dr. Heaps. These intentional acts of concealment of Dr. Heaps' abusive  
19 behavior violated Plaintiff's right to be free from discrimination on the basis of her gender,  
20 under Cal. Civ. Code § 52.1.

21 75. Defendants' wrongful conduct was intended to, and did successfully interfere  
22 with Plaintiff Doe 14's Constitutional rights to be free from gender discrimination and  
23 harassment, as well as interfered with her rights of Due Process under the United States'  
24 Constitution, specifically the Fifth and Fourteenth Amendments.

25 76. Defendants unlawfully and wrongfully used, or employed others to wrongfully  
26 use, threats, intimidation, harassment, violence, and coercion over Plaintiff's person, to which  
27 Plaintiff, who did not have knowledge that the conduct in which Defendants were engaging  
28 was not medically necessary, had no relief except to submit to the Defendants' wrongful

1 threats, intimidation, harassment, violence, and coercion, which rendered Plaintiff's  
2 submission involuntary.

3 77. Defendants' above-noted actions were the legal and proximate causes of  
4 physical, psychological, and emotional damages to Plaintiff Doe 14, who has suffered and  
5 continue to suffer to this day. The actions of Defendants have also resulted in Plaintiff Doe 14  
6 incurring, and will require her to incur into the future, expenses for medical and psychological  
7 treatment, therapy, and counseling.

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

15 79. In subjecting Plaintiff to the wrongful treatment described herein, Defendants  
16 acted willfully and maliciously with the intent to harm Plaintiff, and in conscious disregard of  
17 Plaintiff Doe 14's rights, entitling Plaintiff Doe 14 to compensatory damages in a sum to be  
18 shown according to proof, emotional distress damages in a sum to be shown according to  
19 proof, punitive and/or exemplary damages (with regard to Dr. Heaps), attorney's fees, other  
20 damages pursuant to Civil Code section 52(b)(1), and a temporary restraining order or a  
21 preliminary or permanent injunction ordering Defendants to refrain from conduct or activities  
22 as alleged herein, stating "VIOLATION OF THIS ORDER IS A CRIME PUNISHABLE  
23 UNDER SECTION 422.77 OF THE PENAL CODE," and other such relief as the court deems  
24 proper.

25 80. In subjecting Plaintiff Doe 14 to the wrongful treatment herein described,  
26 Dr. Heaps acted willfully and maliciously with the intent to harm Plaintiff, and in conscious  
27 disregard of Plaintiff Doe 14's rights, so as to constitute malice and oppression under  
28 California Civil Code section 3294. Plaintiff Doe 14 is therefore entitled to the recovery of

1 punitive damages against Dr. Heaps, in an amount to be determined according to proof.

2 **THIRD CAUSE OF ACTION**

3 **(Committing and Enabling Sexual Harassment against All Defendants:**

4 **Civil Code § 51.9)**

5 81. Plaintiff Doe 14 incorporates Paragraphs 1 through 80 as though fully set forth  
6 herein.

7 82. During Plaintiff Doe 14's time as a patient at UCLA Health, Defendants  
8 intentionally, recklessly and wantonly committed, enabled, and omitted, acts which resulted in  
9 harmful and offensive contact with intimate parts of Plaintiff Doe's person, including but not  
10 limited to: performing ultrasound procedures, pelvic exams and breast exams in a sexual  
11 manner, which Plaintiff Doe 14 has now come to understand was without medical  
12 justification, all under the supervision of Defendant the UC Regents. Female chaperones who  
13 were at times in the room during Plaintiff Doe's examinations by Dr. Heaps sat silently as  
14 Plaintiff Doe was mistreated."

15 83. During Plaintiff Doe 14's time as a patient at UCLA Health, Defendants also  
16 intentionally, recklessly and wantonly made, and enabled, what plaintiff Doe 14 has now  
17 come to understand were sexual and exploitative statements of a prurient nature, based on  
18 Plaintiff's gender that were unwelcome, pervasive and severe, all under the supervision of  
19 Defendant the UC Regents, including asking how Plaintiff Doe 14 could "still be single" while  
20 performing a transvaginal ultrasound exam. Again, the female chaperones who were in the  
21 room at the time of certain of Plaintiff Doe 14's examinations sat silently as Plaintiff Doe was  
22 subjected to these comments.

23 84. The incidents of abuse outlined herein took place while Plaintiff Doe was under  
24 the control of Dr. Heaps and Defendant UC Regents in their capacities and positions as a  
25 physician and as supervisors of physicians, medical professionals, and other staff at  
26 Defendants' premises, and while acting specifically on behalf of Defendants' herein.

27 85. Because of Plaintiff Doe's relationships with Defendants Dr. Heaps and the UC  
28 Regents, Dr. Heaps' status as a prominent and highly compensated gynecologist employed by

1 the Defendant UC Regents and promoted on the UCLA Health website as a highly skilled  
2 physician, and Plaintiff Doe 14’s vulnerability as a gynecological patient, Plaintiff Doe was  
3 unable to easily terminate the relationship she had with the Defendants.

4 86. Because of Dr. Heaps’ status, position of authority, physical seclusion of  
5 Plaintiff Doe, her mental and emotional state, vulnerable position and the fact that she did not  
6 understand that Dr. Heaps’ conduct was not medically necessary she was unable to, did not,  
7 and could not, give consent to such acts.

8 87. Even though Defendant UC Regents knew or should have known of these  
9 pervasive, illegal and inappropriate activities by Dr. Heaps, the UC Regents did nothing to  
10 investigate, supervise or monitor Dr. Heaps to ensure the safety of the patients in their charge.  
11 Nor did Defendant UC Regents put in place—or enforce—safeguards to prevent foreseeable  
12 harm to female gynecological patients, including imposition of a policy providing for the  
13 mandatory presence of an independent and properly trained chaperone, to prevent, deter and  
14 report any misconduct in the context of gynecological examinations and procedures.  
15 Defendant UC Regents also failed adequately (or at all) to hire appropriate chaperones or train  
16 its employees and agents in how to recognize and report any sexual or medical battery or  
17 harassment.

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

25 89. Defendants’ conduct (and the conduct of their agents, servants and/or  
26 employees) was a breach of their duties to Plaintiff Doe 14.

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

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

6 **FOURTH CAUSE OF ACTION**

7 **(Battery against All Defendants)**

8 91. Plaintiff Doe incorporates Paragraphs 1 through 90 as though fully set forth  
9 herein.

10 92. During the course of treatment of Plaintiff Doe 14, Dr. Heaps used his powers  
11 and abilities as a physician, and his knowledge and background and access to Plaintiff Doe 14,  
12 to sexually batter Plaintiff Doe 14, knowing that, especially as a patient who had recently  
13 tested positive for a gene mutation in BRCA2, she would be vulnerable to this type of sexual  
14 battery. Dr. Heaps performed ultrasound procedures, pelvic exams and breast exams in a  
15 sexual manner. Plaintiff Doe 14 has now come to understand that this conduct, which was  
16 under the supervision of the UC Regents, was without medical justification.

17 93. The female chaperones who were in the room during the visit enabled the sexual  
18 battery and assault of Plaintiff Doe 14 by failing to reasonably perform their duties as  
19 chaperones and failing to raise any alarms during Dr. Heaps' misconduct or take any other  
20 reasonably expected actions to prevent the harm inflicted upon Plaintiff Doe 14.

21 94. Had Dr. Heaps not been in a position of power and authority over Plaintiff Doe  
22 14 and had she not been treated by Defendants, she would have never permitted such sexual  
23 contact by Dr. Heaps, which acts (she now understands) constituted a harmful or offensive  
24 touching and battery upon her person.

25 95. Plaintiff Doe 14 did not consent to the sexualized touching and sexual contact.

26 96. Dr. Heaps' conduct was within the course and scope of his employment with  
27 Defendants, and each of them, and was ratified by Defendants and each of them who had  
28 advance notice of this misconduct. All of the conduct occurred during the course and scope of

1 Dr. Heaps' employment at UCLA. Plaintiff suffered severe emotional distress and physical  
2 injury as a result of Dr. Heaps' misconduct and damages as otherwise alleged in this  
3 complaint. In addition, at the time she was in the examination room and while she was  
4 witnessing Dr. Heaps' battery of Plaintiff, the female chaperones were acting in the course and  
5 scope of their employment with UCLA.

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

18 98. In doing the acts alleged herein, Dr. Heaps used the power and authority  
19 conferred upon him by Defendants the UC Regents to get access to patients such as Plaintiff  
20 Doe 14. It is predictable and foreseeable, given Defendants' knowledge of Dr. Heaps' prior  
21 misconduct and its negligent supervision of Dr. Heaps, and failure put in place—or enforce—  
22 safeguards to prevent foreseeable harm to female gynecological patients, that someone in Dr.  
23 Heaps' position would abuse the power and authority the UC Regents conferred upon him by  
24 engaging in assaultive conduct. As such, Dr. Heaps' conduct is incident to his agency with the  
25 UC Regents, so as to be fairly attributable to them.

26 99. As a proximate result of the above, Plaintiff Doe 14 suffered damages as  
27 otherwise alleged in this Complaint.

28 100. Dr. Heaps' conduct alleged herein was despicable, and was done willfully and/or



1 with a conscious disregard of Plaintiff's rights, and/or intentionally, or maliciously, or in  
2 reckless disregard of the high probability of injury to Plaintiff and others. Defendants, and  
3 each of them, were in a special relationship with Plaintiff Doe 14 by virtue of the fact that she  
4 was a patient at UCLA Health and receiving their services.

5 101. Defendants, and each of them, further knew that Plaintiff Doe was especially  
6 vulnerable and susceptible to injury by persons such as Dr. Heaps in the absence of adequate  
7 supervision, and by reason of the authority the UC Regents vested in Dr. Heaps. The UC  
8 Regents acted in conscious disregard of the rights and safety of Plaintiff by ignoring the  
9 danger posed by Dr. Heaps, and by putting him in a position of trust and authority over  
10 Plaintiff Doe 14, and failing to take proper steps to protect Plaintiff Doe 14 and other patients.  
11 It was reasonably foreseeable Plaintiff Doe 14 would receive physical injury and severe  
12 emotional distress as a result of Dr. Heaps' malfeasance. Defendant UC Regents' conduct in  
13 this regard was done with the intent to cause injury to Plaintiff Doe 14 and/or done with a  
14 conscious disregard of the rights and safety of Plaintiff.

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

21 **FIFTH CAUSE OF ACTION**

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

23 103. Plaintiff Doe 14 incorporates Paragraphs 1 through 102 as though fully set forth  
24 herein.

25 104. During Plaintiff Doe 14's time as a patient with Defendants, Dr. Heaps  
26 intentionally, recklessly, and wantonly did acts which Plaintiff Doe 14 now understands were  
27 intended to, and did, result in harmful and offensive contact with intimate parts of Plaintiff  
28 Doe's person, including but not limited to: Dr. Heaps performed ultrasound procedures, pelvic

1 exams and breast exams in a sexual manner. Plaintiff Doe 14 has now come to understand  
2 that this conduct, which was under the supervision of the UC Regents, was without medical  
3 justification.

4 105. Dr. Heaps did the aforementioned acts with the intent to cause a harmful or  
5 offensive contact with an intimate part of Plaintiff Doe 14's person that would offend a  
6 reasonable sense of personal dignity. Further, said acts did cause a harmful or offensive  
7 contact with an intimate part of Plaintiff Doe 14's person that would offend a reasonable sense  
8 of personal dignity.

9 106. Had Dr. Heaps not been in a position of power and authority over Plaintiff Doe  
10 14 and had she not been treated by Defendants, she would have never permitted such sexual  
11 contact by Dr. Heaps.

12 107. Plaintiff Doe 14 did not consent to this sexualized touching and sexual contact.

13 108. 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.

19 109. At the time she was in the examination room and while they were witnessing  
20 Dr. Heaps' battery of Plaintiff Doe 14, the female chaperones were acting in the course and  
21 scope of their employment with UCLA.

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

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

6 111. In doing the acts alleged herein, Dr. Heaps used the power and authority  
7 conferred upon him by Defendants the UC Regents to get access to patients such as Plaintiff  
8 Doe 14. It is predictable and foreseeable, given Defendants' knowledge of Dr. Heaps' prior  
9 misconduct and its negligent supervision of Dr. Heaps, and failure put in place—or enforce—  
10 safeguards to prevent foreseeable harm to female gynecological patients, that someone in Dr.  
11 Heaps' position would abuse the power and authority the UC Regents conferred upon him by  
12 engaging in assaultive conduct. As Such, Dr. Heaps conduct is incident to his agency with the  
13 UC Regents, so as to be fairly attributable to them.

14 112. As a proximate result of the above, Plaintiff Doe 14 suffered damages as  
15 otherwise alleged in this Complaint. As a direct, legal, and proximate result of Dr. Heaps'  
16 conduct, Plaintiff Doe 14 sustained serious and permanent injury to her person, all of his  
17 damage in an amount to be shown according to proof and within the jurisdiction of the Court.

18 113. Plaintiff Doe 14 is informed and believes and based thereon alleges that the  
19 conduct of Dr. Heaps was oppressive, malicious, and despicable in that it was intentional and  
20 done in conscious disregard for the rights and safety of others, and was carried out with a  
21 conscious disregard of Plaintiff Doe 14's right to be free from tortious behavior, such as to  
22 constitute oppression, fraud, or malice pursuant to California Civil Code section 3294,  
23 entitling Plaintiff Doe to punitive damages against Dr. Heaps in an amount appropriate to  
24 punish and set an example of Dr. Heaps and send a cautionary message to others similarly  
25 situated.

26 **SIXTH CAUSE OF ACTION**

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

28 114. Plaintiff Doe 14 incorporates Paragraphs 1 through 113 as though fully set forth

1 herein.

2 115. The conduct of defendants UC Regents and Dr. Heaps toward Plaintiff Doe 14,  
3 as described herein, was outrageous and extreme.

4 116. A reasonable person would not expect or tolerate the sexual harassment,  
5 exploitation, molestation, and abuse of Plaintiff Doe 14 by Dr. Heaps, nor tolerate or expect  
6 the UC Regents' knowledge of, and callous indifference to, the abuse. Plaintiff Doe 14 had  
7 great faith, trust, and confidence in Defendants, which, by virtue of their wrongful conduct,  
8 has now turned to fear, shame, and humiliation.

9 117. A reasonable person would not expect or tolerate the UC Regents placing  
10 Dr. Heaps—who was known to the UC Regents to have physically and sexually abused other  
11 patients—in a position of care of Plaintiff Doe 14, which enabled Dr. Heaps to have access to  
12 Plaintiff Doe 14 so that he could commit wrongful sexual acts, including the conduct described  
13 herein.

14 118. A reasonable person would not expect or tolerate the Defendants, their agents,  
15 servants, and/or employees to be incapable of supervising, preventing, and stopping Dr. Heaps  
16 from committing wrongful sexual acts with patients, including Plaintiff Doe 14, or to be  
17 incapable or unwilling to supervise Dr. Heaps. A reasonable person would not expect a  
18 chaperone whose presence was supposed to ensure Plaintiff Doe 14's comfort and safety  
19 during a gynecological exam would sit idly by and not say anything while Plaintiff Doe 14  
20 was being sexually abused by a physician. A reasonable person would not expect that UCLA  
21 would not vet its nurse/chaperones to determine whether they have criminal histories and  
22 remove them from their positions when it is clear that they have alcohol and drug  
23 dependencies. Indeed the presence of the silent chaperone has now further exacerbated  
24 Plaintiff Doe 14's extreme embarrassment and harm as she was subjected to what she now  
25 understands to be misconduct with a silent audience.

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

1 120. As a result of the above-described conduct, Plaintiff Doe 14 has suffered and  
 2 continues to suffer great pain of mind and body, shock, emotional distress, physical  
 3 manifestations of emotional distress including embarrassment, loss of self-esteem, disgrace,  
 4 shame, humiliation, and loss of enjoyment of life; has suffered and continues to suffer and was  
 5 prevented and will continue to be prevented from performing daily activities and obtaining the  
 6 full enjoyment of life; and has incurred and will continue to incur expenses for medical and  
 7 psychological treatment, therapy, and counseling.

8 121. In subjecting Plaintiff Doe 14 to the wrongful treatment described herein,  
 9 Dr. Heaps acted willfully and maliciously with the intent to harm Plaintiff Doe 14, and in  
 10 conscious disregard of her rights, so as to constitute malice and oppression under California  
 11 Civil Code section 3294. Plaintiff Doe 14 is therefore entitled to recover punitive damages  
 12 against Defendant Heaps, in an amount to be determined by the court.

13 **SEVENTH CAUSE OF ACTION**

14 **(Negligent Infliction of Emotional Distress against all Defendants)**

15 122. Plaintiff Doe 14 incorporates Paragraphs 1 through 121 as though fully set forth  
 16 herein.

17 123. A reasonable person would not expect or tolerate the sexual harassment,  
 18 exploitation, molestation, and abuse of Plaintiff Doe 14 by Dr. Heaps, nor tolerate or expect  
 19 the UC Regents’ knowledge of and callous indifference to the abuse. Plaintiff Doe 14 had  
 20 great faith, trust, and confidence in Defendants, which, by virtue of their wrongful conduct,  
 21 turned to fear, shame, and humiliation.

22 124. A reasonable person would not expect or tolerate the UC Regents placing  
 23 Dr. Heaps—who was known to the UC Regents to have physically and sexually abused other  
 24 patients—in a position of care of Plaintiff Doe 14, which enabled Dr. Heaps to have access to  
 25 Plaintiff Doe 14 so that he could commit wrongful sexual acts, including the conduct described  
 26 herein.

27 125. A reasonable person would not expect or tolerate the Defendants, their agents,  
 28 servants, and/or employees to be incapable of supervising, preventing, and stopping Dr. Heaps

1 from committing wrongful sexual acts with patients, including Plaintiff Doe 14, or to be  
2 incapable or unwilling to supervise Dr. Heaps. A reasonable person would not expect a  
3 chaperone whose presence was supposed to ensure Plaintiff Doe's comfort and safety during a  
4 gynecological exam would sit idly by and not say anything while Plaintiff Doe 14 was being  
5 sexually abused by a physician. A reasonable person would not expect that UCLA would not  
6 vet its nurse/chaperones to determine whether they have criminal histories and remove them  
7 from their positions when it is clear that they have alcohol and drug dependencies. Indeed  
8 looking back now on what she understands to be sexual abuse, the presence of the silent  
9 chaperone has further exacerbated Plaintiff Doe 14's extreme embarrassment and harm as she  
10 was subjected to the misconduct with a silent audience.

11 126. Defendants had a special relationship with Plaintiff Doe 14 and/or had  
12 undertaken an obligation to her that necessarily implicated Plaintiff Doe 14's emotional well-  
13 being. Specifically, Defendants had a duty to take reasonable measures to prevent harm to  
14 Plaintiff Doe 14 and to protect her from Dr. Heaps.

15 127. There was an especially likely risk that Defendants' negligent actions and  
16 inactions would cause serious emotional distress to Plaintiff Doe 14. Defendants' failure to  
17 take reasonable steps to institute safeguards to prevent sexual abuse and harassment caused  
18 Plaintiff Doe 14 tremendous harm.

19 128. Defendants' negligence was a substantial factor in causing Plaintiff Doe serious  
20 emotional distress.

21 **EIGHTH CAUSE OF ACTION**

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

23 129. Plaintiff Doe 14 incorporates Paragraphs 1 through 128 as though fully set forth  
24 herein.

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

1           131. Defendants expressly and implicitly represented that Dr. Heaps was a legitimate  
2 gynecologist, and not a sexual threat to his female patients. As discussed throughout,  
3 Dr. Heaps was well-compensated (a fact that was publically reported) and was acclaimed on  
4 UCLA’ websites as a highly skilled and professional physician.

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

10           133. The UC Regents were aware, or should have been aware, and understood how  
11 vulnerable gynecological patients were to sexual harassment, sexual exploitation, molestation,  
12 and abuse by physicians and other persons of authority within the control of the UC Regents  
13 prior to Plaintiff Doe 14’s sexual abuse and exploitation by Dr. Heaps. As a result, Defendant  
14 UC Regents should have put in place appropriate safeguards to prevent foreseeable harm to  
15 female gynecological patients, including imposition of a policy providing for the mandatory  
16 presence of an independent, properly trained chaperone, to prevent, deter and report any  
17 misconduct in the context of gynecological examinations and procedures. Defendant UC  
18 Regents also failed adequately (or at all) to train its employees and agents in how to recognize  
19 and report any sexual or medical battery or harassment.

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

27           135. The UC Regents were put on notice, and should have known, that Dr. Heaps had  
28 previously engaged, and continued to engage, in unlawful sexual conduct with female patients,

1 and that it was foreseeable, or should have been foreseeable, that Dr. Heaps was engaging in,  
2 or would engage in, misconduct directed towards Plaintiff Doe 14 and others, under the  
3 protection of the authority, confidence, and trust bestowed upon him through the UC Regents,  
4 their agents, servants, and employees.

5 136. The UC Regents were placed on actual or constructive notice that Dr. Heaps had  
6 molested or was molesting female patients during his employment. Defendants had  
7 knowledge of inappropriate conduct, exploitation, and serial molestations committed by  
8 Dr. Heaps during his employment, yet chose to allow him to interact with patients, including  
9 Plaintiff Doe.

10 137. Despite the fact that the UC Regents knew, or should have known, of these  
11 sexually exploitive activities being perpetrated by Dr. Heaps, the UC Regents failed to use  
12 reasonable care in investigating Dr. Heaps and did nothing to reasonably investigate,  
13 supervise, monitor, or terminate Dr. Heaps to ensure the safety of their patients.

14 138. The UC Regents' conduct in enabling Dr. Heaps to serially sexually assault his  
15 female patients was a long-standing, gross, and inexcusable violation of the duty of care owed  
16 to Plaintiff Doe 14.

17 139. Because the UC Regents:

- 18 (a) Had actual knowledge of the sexual exploitation, abuse, and harassment  
19 being committed by Dr. Heaps;  
20 (b) Failed to take action such as firing Dr. Heaps, reporting him to the police, or  
21 reporting him to the California State Medical Board as mandated by Federal  
22 Laws;  
23 (c) Consciously and intentionally enabled Dr. Heaps to continue to sexually  
24 exploit, abuse, and harass female patients by failing to take any of the above  
25 action;  
26 (d) Consciously and intentionally kept all of Dr. Heaps' exploitative, abusive,  
27 and harassing behaviors secrets from patients and the public at large;and  
28 (e) Failed to employ or train appropriate nurse/chaperones who could oversee



1 intimate examinations and report misbehavior;  
2 the UC Regents have enabled and permitted the conduct of Dr. Heaps as set forth herein.

3 140. The UC Regents, their agents, servants, and/or employees knew Dr. Heaps was  
4 sexually exploiting, abusing, and harassing female patients and refused to take any action to  
5 stop him. Moreover, the UC Regents, their agents, servants, and/or employees hid this  
6 information so Dr. Heaps could continue to work for UCLA, its clinics and facilities. With  
7 knowledge of Dr. Heaps' sexual misconduct, no disciplinary action was taken by the UC  
8 Regents and he was allowed to continue to interact with patients, including Plaintiff Doe 14.  
9 The UC Regents, their agents, servants, and/or employees are thus responsible for Dr. Heaps'  
10 acts of sexual exploitation, sexual assault, battery, and harassment.

11 141. As a result of the above-described conduct, Plaintiff Doe 14 has suffered and  
12 continues to suffer great pain of mind and body, shock, emotional distress, physical  
13 manifestations of emotional distress including embarrassment, loss of self-esteem, disgrace,  
14 shame, 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 **NINTH CAUSE OF ACTION**

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

20 142. Plaintiff Doe 14 incorporates Paragraphs 1 through 141 as though fully set forth  
21 herein.

22 143. At all times relevant herein, each Defendant was the agent, partner, joint  
23 venturer, representative, servant, employee and/or co-conspirator of each of the other  
24 Defendants, and was at all times mentioned herein acting within the course and scope of said  
25 agency and employment, and that all acts or omissions alleged herein were duly committed  
26 with the ratification, knowledge, permission, encouragement authorization and consent of  
27 each Defendant designated herein.

28 144. Defendants and each of them were agents, principals, joint venturers, partners,

1 representatives, servants, employees and/or co-conspirators of each of the other Defendants,  
2 each Defendant condoned and ratified the conduct of all other defendants, and was at all times  
3 mentioned herein acting within the course and scope of said agency and employment,  
4 authority and ratification.

5 145. The UC Regents learned Dr. Heaps had molested or was molesting female  
6 patients during his employment. Defendants had knowledge of inappropriate conduct, and  
7 exploitation committed by Dr. Heaps during his employment, yet chose to allow him to  
8 continue interacting with patients, including Plaintiff Doe.

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

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

20 148. The UC Regents’ conduct in enabling Dr. Heaps to serially sexually assault his  
21 female patients was a long-standing, gross, and inexcusable violation of the duty of care owed  
22 to Plaintiff Doe 14.

23 149. Because the UC Regents:

- 24 (a) Had actual knowledge of the sexual exploitation, abuse, and harassment  
25 being committed by Dr. Heaps;  
26 (b) Failed to take action such as firing Dr. Heaps, reporting him to the police, or  
27 reporting him to the California State Medical Board as mandated by Federal  
28 Laws;

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

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

6 (e) Failed to employ or train appropriate nurse/chaperones who could oversee  
7 intimate examinations and report misbehavior.

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

9 150. The UC Regents, their agents, servants, and/or employees learned Dr. Heaps  
10 was sexually exploiting, abusing, and harassing female patients and refused take any action to  
11 stop him. Moreover, the UC Regents, their agents, servants, and/or employees hid this  
12 information so Dr. Heaps could continue to work for UCLA, its clinics and facilities. With  
13 knowledge of Dr. Heaps' sexual misconduct, no disciplinary action was taken by the UC  
14 Regents and he was allowed to be alone with gynecological patients. The UC Regents, their  
15 agents, servants, and/or employees thus approved, ratified, and are responsible for Dr. Heaps'  
16 acts of sexual exploitation, sexual assault, battery, and sexual harassment.

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

24 **TENTH CAUSE OF ACTION**

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

26 152. Plaintiff Doe 14 incorporates Paragraphs 1 through 151 as though fully set forth  
27 herein.

28 153. Defendant UC Regents owed Plaintiff Doe 14 a duty to take reasonable

1 protective measures to safeguard Plaintiff and other female patients from the risk of sexual  
2 battery by Dr. Heaps by properly warning, training or educating others, including their own  
3 medical personnel, medical staff, administrators, and other agents, servants, and/or employees  
4 (including chaperones) about how to avoid such a risk and what to do when such inappropriate  
5 conduct is witnessed, reported, and/or discovered.

6 154. Defendant UC Regents breached its duty to take reasonable measures to protect  
7 Plaintiff Doe 14 and other female patients from the risk of sexual harassment and abuse by  
8 Dr. Heaps, such as the failure to properly warn, Plaintiff and other patients about Dr. Heaps.

9 155. Defendant UC Regents breached its duty to take reasonable protective measures  
10 to safeguard Plaintiff and other patients from the risk of sexual harassment and abuse by  
11 Dr. Heaps, by failing to supervise and stop employees, such as Dr. Heaps, and prevent them  
12 from committing sexually abusive and exploitive acts upon patients, including Plaintiff Doe  
13 14.

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

21 157. By breaching its duty, Defendant UC Regents unreasonably and wrongfully  
22 exposed Plaintiff Doe 14 and other patients to sexual battery and abuse.

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

1 psychological treatment, therapy, and counseling.

2 **ELEVENTH CAUSE OF ACTION**

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

4 159. Plaintiff Doe 14 incorporates Paragraphs 1 through 158 as though fully set  
5 forth herein.

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

8 161. Defendants owed Plaintiff a duty of care to act.

9 162. Defendants breached that duty of care by way of their conduct and failed to  
10 exercise reasonable care, as detailed and alleged above.

11 163. For example, the chaperones who was/were in the room during certain instances  
12 of Dr. Heaps' sexual assault and harassment of Plaintiff Doe 14 acted negligently, in that they  
13 failed to reasonably perform their duties as a chaperone and failed to act as a reasonably  
14 prudent person. The chaperones failed to raise any alarms during Dr. Heaps' misconduct or  
15 take any other reasonably expected actions to prevent the harm inflicted on Plaintiff Doe 14,  
16 despite the fact that (a) the purpose of the chaperones was to protect Plaintiff Doe 14 and  
17 ensure that she was comfortable and safe during the gynecological visit; and (b) the  
18 chaperones were aware of the lack of medical necessity of Dr. Heaps' touching and  
19 questioning of Plaintiff Doe 14. Further, the chaperones did not report Dr. Heaps'  
20 misconduct. At the time they were in the examination room and while they were at times  
21 silently witnessing Dr. Heaps' infliction of harm to Plaintiff Doe 14, the female chaperones  
22 was/were acting in the course and scope of their employment with UCLA.

23 164. As a result of the above-described conduct, Plaintiff Doe 14 suffered and  
24 continues to suffer great pain of mind and body, shock, emotional distress, physical  
25 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace,  
26 humiliation, and loss of enjoyment of life; has suffered and continues to suffer and was  
27 prevented and will continue to be prevented from performing daily activities and obtaining the  
28 full enjoyment of life; and has incurred and will continue to incur expenses for medical and

1 psychological treatment, therapy, and counseling.

2 **TWELFTH CAUSE OF ACTION**

3 **(Gender Violence (Civil Code § 52.4) against all Defendants)**

4 165. Plaintiff Doe 14 incorporates Paragraphs 1 through 164 as though fully set forth  
5 herein.

6 166. California Civil Code § 52.4 provides that gender violence is a form of sexual  
7 discrimination and includes a “physical intrusion or physical invasion of a sexual nature under  
8 coercive conditions. . .” Cal. Civ. Code § 52.4(c)(2). For purposes of this section, “gender”  
9 means “sex, and includes a person’s gender identity and gender expression.” Cal. Civ. Code  
10 § 52.4(d); Cal. Civ. Code § 51. The provision further provides that any person subjected to  
11 gender violence may bring a civil action for damages against any responsible party, and may  
12 seek actual, compensatory, and punitive damages therefor, or any other appropriate relief.

13 167. Plaintiff Doe 14 is female.

14 168. Dr. Heaps intentionally and without consent physically intruded and/or invaded  
15 Plaintiff’s body during medical examinations in a sexual manner in violation of Cal. Civ.  
16 Code § 52.4. The conditions were coercive in that Plaintiff placed her trust and confidence in  
17 Dr. Heaps as a physician and in the UC Regents as a premier provider of patient care (via  
18 UCLA Health).

19 169. The UC Regents participated in the physical intrusion and/or invasion of  
20 Plaintiff’s body during a medical examination by either (a) the presence of chaperones or  
21 other staff members during the medical examinations; and/or (b) UCLA staff members or  
22 other personnel bringing Plaintiff into the examination room and directing her to remove her  
23 clothing, knowing that Dr. Heaps would assault her in a sexual manner; and/or (c) providing  
24 Dr. Heaps the facilities and location to assault Plaintiff in a sexual manner and touting him as  
25 an expert in gynecological care.

26 170. As more fully set forth above, Plaintiff was injured as a result of the gender  
27 violence, and seeks all remedies provided for in California Civil Code § 52.4, including but  
28 not limited to, actual damages, compensatory damages, punitive damages, costs, and

1 attorney's fees.

2 **THIRTEENTH CAUSE OF ACTION**

3 **(Sexual Assault against all Defendants)**

4 171. Plaintiff Doe 14 incorporates Paragraphs 1 through 170 as though fully set forth  
5 herein.

6 172. During Plaintiff's time as a patient with Defendants, Dr. Heaps intended to cause  
7 harmful or offensive contact with Plaintiff, or intended to put Plaintiff in imminent  
8 apprehension of such conduct.

9 173. In doing certain of the things herein alleged, Plaintiff was in imminent  
10 apprehension of a harmful or offensive contact by Dr. Heaps and actually believed Dr. Heaps  
11 had the ability to make harmful or offensive contact with Plaintiff.

12 174. Plaintiff did not consent to Dr. Heaps' intended harmful or offensive contact, or  
13 intent to put Plaintiff in imminent apprehension of such contact.

14 175. Dr. Heaps' conduct was within the course and scope of his employment with  
15 Defendants, and each of them, and was ratified by Defendants and each of them who had  
16 advance notice of this misconduct.

17 176. Plaintiff suffered severe emotional distress and physical injury as a result of  
18 Dr. Heaps' misconduct and damages as otherwise alleged in this complaint.

19 177. Even though Defendant UC Regents knew or should have known of these  
20 pervasive, illegal and inappropriate activities by Dr. Heaps, Defendant UC Regents did  
21 nothing to investigate, supervise or monitor Dr. Heaps to ensure the safety of the patients in  
22 their charge. Nor did Defendant put in place—or enforce—safeguards to prevent foreseeable  
23 harm to female gynecological patients, including imposition of policy providing for the  
24 mandatory presence of an independent and properly trained chaperone, to prevent, deter and  
25 report any misconduct in the context of gynecological examinations and procedures,  
26 Defendant UC Regents also failed to adequately (or at all) train its employees and agents in  
27 how to recognize and report any sexual assault.

28 178. In doing certain of the acts alleged herein, Dr. Heaps used the power and

1 authority conferred upon him by Defendant UC Regents to get access to patients such as  
2 Plaintiff Doe 14. It is predictable and foreseeable, given Defendants’ negligent supervision of  
3 Dr. Heaps, and failure to put in place—or enforce—safeguards to prevent foreseeable harm to  
4 female gynecological patients, that someone in Dr. Heaps’ position would abuse the power  
5 and authority the UC Regents conferred upon him by engaging in assaultive conduct. As  
6 such, Dr. Heaps’ conduct is incident to his agency with the UC Regents, so as to be fairly  
7 attributable to them.

8 179. In doing certain of the things herein alleged, Defendants violated Plaintiff’s  
9 rights, pursuant to California Civil Code § 43, of protection from bodily restrain or harm, and  
10 from personal insult. In doing the things herein alleged, Defendants violated the duty,  
11 pursuant to California Civil Code § 1708, to abstain from injuring the person of Plaintiff or  
12 infringing upon her rights.

13 180. As a proximate result of the above, Plaintiff suffered damages as otherwise  
14 alleged in this Complaint. As a direct, legal, and proximate result of Dr. Heaps’ conduct,  
15 Plaintiff sustained serious and permanent injury to her person, all of this damage in an amount  
16 to be shown according to proof and within the jurisdiction of this Court.

17 181. Plaintiff Doe 14 is informed and based thereon alleges that the conduct of  
18 Dr. Heaps was oppressive, malicious, and despicable in that it was intentional and done in  
19 conscious disregard for the rights and safety of others, and was carried out with a conscious  
20 disregard for Plaintiff Doe 14’s right to be free from tortious behavior, such as to constitute  
21 oppression, fraud, or malice pursuant to California Civil Code section 3294, entitling Plaintiff  
22 Doe 14 to punitive damages against Dr. Heaps in an amount appropriate to punish and set an  
23 example of Dr. Heaps and send a cautionary message to others similarly situated.

24 **FOURTEENTH CAUSE OF ACTION**

25 **(Unfair Business Practices (Business & Professions Code § 17200) against Defendants**  
26 **Heaps and Roes)**

27 182. Plaintiff Doe 14 incorporates Paragraphs 1 through 181 as though fully set forth  
28 herein.



1           183. Plaintiff is informed and believes, and on that basis alleges, that Defendants  
2 have engaged in unlawful, unfair and/or deceptive business practices, including by allowing  
3 Dr. Heaps to engage in repeated sexual abuse and harassment of patients, including Plaintiff,  
4 and by failing to take all reasonable steps to prevent such sexual abuse and harassment from  
5 occurring. The unlawful, unfair and/or deceptive business practices also included failing to  
6 adequately and promptly investigate, vet, and evaluate individuals for employment, as well as  
7 refusing to design, implement, and oversee appropriate policies regarding sexual harassment  
8 and abuse of patients in a reasonable manner, as is customary in similar healthcare and  
9 student-active environments. Further, Plaintiff is informed and believes, and on that basis  
10 alleges, that Defendants engaged in unlawful, unfair, and/or deceptive business practices by  
11 concealing the aforementioned sexual harassment, abuse, and/or molestation in order to retain  
12 other patients who were not apprised of such misconduct.

13           184. Plaintiff is informed and believes, and on that basis alleges, that Defendants  
14 engaged in a common scheme, arrangement or plan to actively conceal allegations against  
15 sexual abusers like Dr. Heaps who were employees, agents, members, and/or otherwise  
16 affiliated with UCLA Health or the UC Regents so that Defendants could maintain their public  
17 image, be insulated from public scrutiny and embarrassment, and otherwise avoid the  
18 detection of such abuse and abusers, all in an effort to project a false sense of safety and  
19 security for patients and students and benefit financially.

20           185. By engaging in the unlawful, unfair, and/or deceptive business practices  
21 described above, Defendants benefitted financially to the detriment of competitors and the  
22 public.

23           186. Unless restrained, Defendants will continue to engage in the unlawful, unfair,  
24 and/or deceptive business practices described above, resulting in irreparable harm to Plaintiff  
25 and the public.

26           187. Plaintiff seeks restitution of all amounts improperly obtained by Defendants  
27 through the use of the above-described unlawful, unfair and/or deceptive business practices, as  
28 well as disgorgement of any ill-gotten gains on behalf of Plaintiff and all others similarly

1 situated.

2 188. Pursuant to Section 17203 of the California Business & Professions Code and  
3 available equitable powers of the Court, Plaintiff is entitled to and seeks an injunction  
4 enjoining Defendants from continuing their unlawful, unfair, and/or deceptive business  
5 practices. Further, Plaintiff is entitled to recover reasonable attorneys' fees pursuant to the  
6 California Business & Professions Code and California Code of Civil Procedure § 1021.5.

7 **FIFTEENTH CAUSE OF ACTION**

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

9 189. Plaintiff Doe 14 incorporates Paragraphs 1 through 188 as though fully set forth  
10 herein.

11 190. By (a) holding Dr. Heaps out as an agent and trusted employee of UCLA Health,  
12 (b) allowing and encouraging Dr. Heaps to undertake the medical care of vulnerable patients  
13 such as Plaintiff; and (c) holding themselves out as a preeminent healthcare facility and  
14 provider, Defendants entered into a confidential, fiduciary and special relationship with  
15 Plaintiff.

16 191. Defendants breached their confidential, fiduciary and special duties to Plaintiff  
17 by the wrongful and negligent conduct described above, and in doing so gained an advantage  
18 over Plaintiff in matters relating to Plaintiff's safety, security, and health.

19 192. By virtue of their confidential, fiduciary, and special relationship with Plaintiff,  
20 Defendants owed Plaintiff a duty to:

- 21 (a) promptly and thoroughly investigate claims of sexual abuse or  
22 harassment committed by its employees, agents, or affiliates (such as Dr.  
23 Heaps) and reveal any such negative findings to Plaintiff, the  
24 community, the Medical Board, and law enforcement;
- 25 (b) refuse to place Dr. Heaps in a position of trust and authority within the  
26 UC Regents' controlled and affiliated institutions and facilities;
- 27 (c) refuse to hold Dr. Heaps out to Plaintiff, other patients, students, and the  
28 community at large as being a trustworthy physician in good standing, a

- 1 faculty member, and authority figure; and
- 2 (d) promptly disclose to Plaintiff, UCLA students, and the community at
- 3 large the reasons for his “retirement” in June 2018.
- 4 193. On information and belief, Defendants breached their respective duties by:
- 5 (a) failing to promptly and thoroughly investigate claims of sexual abuse or
- 6 harassment against Dr. Heaps;
- 7 (b) failing to disclose to Plaintiff, UCLA students, and the community at
- 8 large the reasons for Dr. Heaps’ retirement in June 2018;
- 9 (c) issuing no warnings about Dr. Heaps;
- 10 (d) permitting Dr. Heaps to routinely examine gynecological patients either
- 11 entirely unsupervised or supervised by untrained chaperones who were
- 12 derelict in their duty to report Dr. Heaps;
- 13 (e) failing to adopt policies that mandated the use of chaperones at all
- 14 gynecological visits or properly training their chaperones;
- 15 (f) hiring at least one nurse/chaperone with a history of criminality and
- 16 who, on information and belief, had alcohol and prescription drug
- 17 addictions during the time in which she was rendering nurse and
- 18 chaperone services to patients, including Plaintiff Doe 14;
- 19 (g) continuing to assign Dr. Heaps to duties which placed him in positions
- 20 of trust and authority over other patients;
- 21 (h) continuing to impliedly represent that Dr. Heaps was safe and morally fit
- 22 to give medical care and provide gynecological treatment; and
- 23 (i) continuing to promote Dr. Heaps as a faculty member and trusted
- 24 physician on the UCLA School of Medicine website even after he had
- 25 forcibly “retired.”

26 194. Defendant made affirmative or implied representations and nondisclosures of

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

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

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

2 195. Given her need for medical treatment, and her trust and care in Defendants,  
3 Plaintiff was vulnerable to Defendants.

4 196. At the time Defendants engaged in such suppression and acts of concealment,  
5 such acts were done for the purpose of causing Plaintiff to forebear on her rights;

6 197. Defendants' conduct did reasonably cause Plaintiff to forebear on her rights, and  
7 Plaintiff justifiably relied upon Defendants for information about Dr. Heaps.

8 198. The misrepresentations, suppressions, and concealment of facts by Defendants  
9 were intended to and were likely to mislead Plaintiff and others to believe that Defendants had  
10 no knowledge of any misconduct by Dr. Heaps.

11 199. Defendants knew or should have known at the time they suppressed and/or  
12 concealed the true facts about Dr. Heaps that the resulting impressions were misleading.

13 200. On information and belief, Defendants suppressed and concealed the true facts  
14 regarding Dr. Heaps with the purpose of, among other things: (a) preventing Plaintiff and  
15 others from learning that Dr. Heaps had and was continuing to sexually harass, molest, and  
16 abuse patients, (b) inducing Plaintiff and other people to participate and financially support  
17 Defendants' programs and enterprises; (c) preventing further reports and investigations of  
18 Defendants' misconduct; (d) avoiding damage to Defendants' reputations; and (e) protecting  
19 Defendants' power, status, and reputation in the community.

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

24 202. Plaintiff was misled by Defendants' suppression and acts of concealment, and in  
25 reliance thereon, was induced to act or not act as intended by Defendants. Specifically,  
26 Plaintiff was induced to believe there were no allegations of prior misconduct against  
27 Dr. Heaps and that he was safe to be around patients and students. Had Plaintiff known the  
28 true facts about Dr. Heaps, she would not have seen him for gynecological or other medical

1 care, and she would have acted sooner in reporting him or pursuing her claims.

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

4  
5 **WHEREFORE**, Plaintiff Doe 14 prays for a jury trial and for judgment against  
6 Defendants as follows:

7 **FOR ALL CAUSES OF ACTION**

- 8 1. For compensatory damages, in an amount to be determined at trial;
- 9 2. For costs of suit;
- 10 3. For interest based on damages, as well as pre-judgment and post-judgment  
11 interest as allowed by law;
- 12 4. For declaratory and injunctive relief, including but not limited to court  
13 supervision of the UC Regents;
- 14 5. For attorneys' fees as provided by statute;
- 15 6. For punitive damages as to Dr. Heaps;
- 16 7. For restitution and disgorgement; and
- 17 8. For such other and further relief as the Court may deem proper.

18  
19 DATED: August 22, 2019

THEODORA ORINGHER PC

20  
21 By: /s/ Jennifer J. McGrath

22 Jennifer J. McGrath

23 Attorney for Plaintiff JANE DOE 14  
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**DEMAND FOR TRIAL BY JURY**

Plaintiff Jane Doe 14 hereby demands a trial by jury in this action.

DATED: August 22, 2019

THEODORA ORINGHER PC

By:           /s/ Jennifer J. McGrath            
Jennifer J. McGrath  
Attorney for Plaintiff JANE DOE 14

