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9 Attorneys for Plaintiff JANE DOE 15

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

13 JANE DOE 15,
 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 (Civil Code § 52.4)
- (13) Unfair Business Practices (Business & Professions Code § 17200)
- (14) Constructive Fraud

DEMAND FOR JURY TRIAL

1 Plaintiff Jane Doe 15,¹ an individual (“Plaintiff Doe 15” or “Plaintiff” or “Doe 15”)
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 15 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. Plaintiff Doe 15 (as well as her mother) had a longtime physician/patient
15 relationship with Dr. Heaps. Plaintiff Doe 15’s mother died of cervical cancer –which
16 metastasized to other areas of her pelvis –in 2005, while being treated by Dr. Heaps. Because
17 Dr. Heaps was her mother’s physician during her illness and until her death, Plaintiff Doe 15
18 placed tremendous trust in Dr. Heaps. This was especially true as Plaintiff Doe 15 grew up
19 without a father and came to see Dr. Heaps as a father figure during her mother’s lengthy
20 illness and treatment. When Plaintiff Doe 15 herself developed precancerous cervical lesions,
21 Dr. Heaps took advantage of the trust Doe 15 placed in him to sexually abuse her during
22 gynecological examinations while she was being treated for these early signs of cancer.

23 4. In June 2016 and April 2017, Dr. Heaps claimed that alternative examination
24 “techniques” – which included what Plaintiff Doe 15 now understands to be inappropriate,
25 sexual touching of her genitals designed to sexually stimulate her and gratify Dr. Heaps– were
26 _____

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

1 “necessary” in light of her history of pre-cancerous cervical cells. Only recently, after
2 consulting with her family physician, did Plaintiff learn that these “techniques” were
3 inappropriate and not medically necessary, causing her extreme emotional distress. In
4 addition, Dr. Heaps made what Plaintiff Doe 15 now understands to be grossly inappropriate
5 and humiliating comments about Plaintiff’s anatomy and grooming, including comparing her
6 intimate body parts to that of her mother.

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

15 6. Perhaps because of the millions of dollars in income that he generated for UCLA
16 and the fact that he had powerful patients and was celebrated in the community (as recent
17 times have made apparent that sexual predators so often are), Defendant UC Regents wholly
18 failed to protect Plaintiff Doe 15 or other vulnerable women from Dr. Heaps.

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

25 8. In addition, on information and belief, UCLA did not institute basic protections
26 in order to prevent sexual abuse of patients, including having independent, qualified, and
27 trained chaperones present during examinations and/or, if any such protocols were in place,
28 UCLA’s employees did not follow such protocols. Nor, on information and belief, did UCLA

1 train or supervise its employees so as to make them aware of how to intervene should any
2 medically unnecessary or inappropriate conduct occur, nor how to report such misconduct. As
3 stated above, even though the abuse inflicted upon Plaintiff Doe 15 at times occurred in the
4 presence of chaperone, the chaperones –who, on information and belief were supervised by
5 Dr. Heaps–did not act to stop the incident or report the incident to authorities.

6 9. As described herein, on information and belief, one nurse/chaperone in
7 particular -had a history of criminality while working at UCLA Health and eventually left her
8 job with Dr. Heaps after voluntarily surrendering her nursing licenses as a result of drug
9 (including prescription drug) and alcohol abuse and DUI's. The fact that UCLA would hire
10 and retain such an individual purportedly to watch over and care for female patients, is both
11 highly troubling and actionable.

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. Every woman should—of course—at all times be protected from sexual assault
2 and harassment; to be clear, however, Plaintiff Doe 15 is not one of Dr. Heaps’ powerful
3 Hollywood patients. She is a mother who herself spent several years in the foster system as a
4 child and who has, at times, been homeless.

5 13. Dr. Heaps’ actions and the inaction of the UC Regents and its employees (both
6 before and after Plaintiff’s horrific encounter with Dr. Heaps as described herein), have caused
7 Plaintiff Doe 15 tremendous and lasting harm, including feelings of fear and powerlessness,
8 symptoms of post-traumatic stress disorder, and other physical and emotional manifestations
9 of the severe emotional distress that she has suffered.

10 14. Dr. Heaps has now been arrested and charged with multiple felony counts,
11 including in connection with alleged sexual battery of his patients. When Dr. Heaps was
12 arrested, and publicity with regard to his misconduct was all but inevitable, the UC Regents
13 changed course, then issuing a public statement contending that Dr. Heaps was “terminated”
14 and that UCLA has purportedly taken corrective action. This communication was circulated
15 to the UCLA “Campus Community” by the UCLA Chancellor and Vice Chancellor, UCLA
16 Health Services. This is a far cry from the previous communication to patients announcing
17 Dr. Heaps’ “retirement,” a communication that failed to alert the community to his misconduct
18 or offer any assistance or support to Plaintiff Doe 15 or other victims.

19 15. Only after Dr. Heaps’ arrest became public recently, did Plaintiff Doe 15 consult
20 with her family physician and come to understand what had been done to her by Dr. Heaps’
21 misconduct and UCLA’s inaction. Only in the last few weeks has Plaintiff Doe 15 come to
22 realize that Dr. Heaps’ conduct was inappropriate and of a sexual nature, including molesting
23 her under the guise of treating her pre-cancerous condition.

24 **BACKGROUND FACTS**

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

26 16. Dr. Heaps completed his internship and residency as an obstetrician-
27 gynecologist and a fellowship in gynecologic oncology at the UCLA School of Medicine from
28 1983–1989. Upon information and belief, beginning in the early 1990s, Dr. Heaps was in

1 private practice as an OBGYN at an office located at 100 Medical Plaza in Westwood. On
2 further information and belief, in or about February 2014, Dr. Heaps' private practice was
3 acquired by the UC Regents and Dr. Heaps was hired by the UC Regents as a full-time
4 gynecologist at UCLA Health, with a purported specialty in gynecologic oncology.

5 17. In that role, on information and belief, Dr. Heaps continued to provide
6 gynecological services to women, including Plaintiff Doe 15, at his office located at 100
7 Medical Plaza in Westwood. On further information and belief, Dr. Heaps had privileges at
8 Ronald Reagan UCLA Medical Center from 1988 to 2018, where he performed procedures
9 and provided services to hospitalized female patients. On further information and belief,
10 Dr. Heaps was a professor at the University of California Los Angeles David Geffen School of
11 Medicine from 1989 until 2018.

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

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

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

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

28 21. During Dr. Heaps' tenure at UCLA, however, Plaintiff is informed and believes,

1 and on this basis alleges, that Dr. Heaps sexually abused and molested a number of his female
2 patients, including Plaintiff, through the use of his position and authority as a full-time
3 gynecologist employed by the UC Regents.

4 22. It is unknown to Plaintiff Doe 15 what background information the UC Regents
5 sought from Dr. Heaps in advance of his being hired at UCLA (and his practice acquired by
6 the UC Regents) in or about February 2014. It is unclear whether the UC Regents did any
7 independent investigation of Dr. Heaps or his background when they sought to employ him to
8 provide gynecological services to female patients at his UCLA Health office and at Ronald
9 Reagan UCLA Medical Center.

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

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

27 25. Subsequent to the 2014 Medical Board Investigation, and despite the existence
28 of at least one accusation of sexual misconduct on a public website detailed above, Dr. Heaps

1 continued to practice as a UCLA gynecologist, both in his UCLA Health office and, on
2 information and belief, at Ronald Reagan UCLA Medical Center. As discussed above,
3 Dr. Heaps was paid one of the highest salaries of any UC system employee in 2016 and, on
4 information and belief, in other years during his UCLA tenure.

5 26. In or about early December 2017, a patient of Dr. Heaps complained to UCLA
6 in detail about the verbal and physical sexual harassment and abuse that she had been forced
7 to endure at the hands of Dr. Heaps. Nonetheless, UCLA chose to ratify Dr. Heaps' conduct,
8 allowing him to continue practicing and seeing patients (including Plaintiff Doe 15)
9 uninterrupted for the better part of a year. Those patients—likely hundreds in number—were
10 seeking routine care and were unwittingly exposed to a serious threat of lasting harm.
11 Notwithstanding these complaints—and despite being on notice of Dr. Heaps' malfeasance—
12 the UC Regents continued to employ or otherwise affiliate with Dr. Heaps and ratify his
13 conduct, allowing him to maintain his practice and see patients, which he did until mid-2018.

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

18 28. The UC Regents failed to take prompt action in response to complaints received
19 about Dr. Heaps, including the aforementioned complaints. Instead, to avoid negative
20 publicity, the UC Regents continued to provide Dr. Heaps unfettered access to patients,
21 including young female students at UCLA and female patients at UCLA Health.

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

24 29. Plaintiff's mother was, on information and belief, one of Dr. Heaps' first
25 patients. Her mother was treated by Dr. Heaps for many years, including for the cervical
26 cancer which ultimately took her life. Based on this, and her own long-standing
27 patient/physician relationship with Dr. Heaps, Plaintiff Doe 15 understandably placed a
28 significant amount of trust in Dr. Heaps.

1 30. On June 14, 2016, Plaintiff Doe 15 saw Dr. Heaps because it had been
2 discovered that she had pre-cancerous cervical lesions. When he first saw her that day, Dr.
3 Heaps hugged Plaintiff Doe 15 and commented that she looked just like her mother. Then,
4 during her pelvic examination, he commented on her genitalia stating “you really do look like
5 your mother.” He then proceeded to touch her in a manner which Plaintiff Doe 15 now
6 believes was designed to sexually stimulate her, claiming that it was a “preferred” method of
7 examining her due to her predisposition to cervical cancer, as it would create “natural
8 lubrication.” During a breast examination at the same appointment, Dr. Heaps commented on
9 her breasts stating that “guys would love them,” and cupped them together. A nurse was
10 present at times during this appointment, but did not take any action to stop the abuse or give
11 Plaintiff Doe 15 any indication that there was anything inappropriate occurring. Especially
12 given the immense trust she placed in Dr. Heaps based on his long history of treating her and
13 her family, Plaintiff Doe 15 did not understand that Dr. Heaps had violated her trust and that
14 his treatment and conduct was inappropriate and not medically necessary. Indeed, on July 13,
15 2016, Doe 15 had surgery to remove a cervical polyp, which was performed by Dr. Heaps.

16 31. At a subsequent appointment, on April 14, 2017, Dr. Heaps again made
17 inappropriate comments of a sexual nature to Plaintiff Doe 15, including commenting on her
18 anatomy and grooming. Dr. Heaps couched these comments as “compliments” about Plaintiff
19 Doe 15’s intimate body parts. Dr. Heaps again proceeded to touch her in a manner which
20 Plaintiff Doe 15 now believes was designed to sexually stimulate her, again claiming that it
21 was a preferred method of examining her given her history of precancerous cells. A nurse was
22 present during this visit, but had her back turned away from Plaintiff Doe 15 and never gave
23 any indication that there was inappropriate conduct occurring. As before, given the immense
24 trust she placed in Dr. Heaps based on his long history of treating her and her family, Plaintiff
25 Doe 15 did not understand that Dr. Heaps had violated her trust and that his treatment and
26 conduct was inappropriate and not medically necessary.

27 32. On further information and belief, on or about June 30, 2018, Dr. Heaps ceased
28 providing services to patients through UCLA Health. On information and belief, on or about

1 June 19, 2018, UCLA Health sent a letter, authored by Dr. Deborah Krakow, MD, Professor
 2 and Chair of the Department of Obstetrics and Gynecology and Professor of Human Genetics
 3 and Orthopedic Surgery, David Geffen School of Medicine at UCLA, to patients of Dr. Heaps.
 4 In that letter, Dr. Krakow stated that “[i]t is with mixed emotions that I announce the
 5 retirement of Dr. James Heaps.” At the time that UCLA Health sent this notification letter to
 6 patients of Dr. Heaps, UCLA Health was aware of specific allegations and of the then ongoing
 7 California Medical Board Investigation of Dr. Heaps.

8 33. Recently, in or about June 2019, after publicity surrounding Dr. Heaps’ arrest,
 9 Plaintiff Doe 15 saw her family physician and described Dr. Heaps’ “examination” technique,
 10 which Plaintiff Doe 15 now believes was designed to sexually stimulate her and gratify Dr.
 11 Heaps. Her doctor advised her for the first time that Dr. Heaps’ treatment was not appropriate.
 12 Only then did Plaintiff Doe 15 understand the abuse she endured, causing her tremendous
 13 upset, embarrassment and inducing long-lasting feelings of shame, distress, and anxiety.

14 34. 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 15, other patients, and
 20 students.

21 35. 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 15 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 36. 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 37. The female chaperones who were at times in the room during Dr. Heaps' sexual
6 battery and harassment of Plaintiff Doe 15 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, employee(s) of the UC Regents—
9 failed to raise any alarms during Dr. Heaps' misconduct (which they witnessed) or take any
10 other reasonably expected actions to prevent or stop the misconduct, despite being aware of
11 the lack of medical necessity of Dr. Heaps' touching and comments to Plaintiff Doe 15.
12 Further, on information and belief, the chaperones did not report Dr. Heaps' misconduct.

13 38. Plaintiff Doe 15 is now informed and believes, and based thereon alleges, that
14 the UC Regents further breached its duties owed to Plaintiff Doe 15 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 39. On information and belief, one nurse/chaperone who employed by UCLA
19 Health from in or about 2003 until in or about 2016 was retained despite the fact that she had
20 years previously – in or about 2008– been criminally charged with welfare fraud and perjury
21 and pleaded guilty to welfare fraud prior to being employed by the UC Regents. On
22 information and belief, during the time she was employed by the UC Regents, this
23 nurse/chaperone was also a defendant in a civil harassment suit. It is unclear why such an
24 individual would be hired into a position of trust, with access to private patient medical and
25 personal information. Nor is it clear why such a person would be called upon to act as a
26 chaperone and purportedly safeguard women's well-being and safety.

27 40. 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 41. 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 42. Dr. Heaps’ misconduct, the chaperones’ silence and inaction—and the UC
14 Regents’ cover up—has resulted in tremendous harm to Plaintiff. The physical and
15 psychological aftermath of Dr. Heaps’ conduct has been severe for Plaintiff. She has suffered
16 from shock, humiliation, embarrassment and other forms of severe emotional distress. This
17 has resulted in sleeplessness, lack of focus, anxiety, flashbacks, and other physical and
18 psychological manifestations of the distress caused by Defendants’ egregious acts.

19 **THE PARTIES**

20 43. Plaintiff Jane Doe 15 currently resides in Las Vegas, Nevada.

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

26 45. Plaintiff Doe 15 is informed and believes, and on that basis alleges, that UC
27 Regents owned, operated, and maintained UCLA Health, through which medical services
28 were provided to Plaintiff Doe 15, pursuant to licenses issued by the California State

1 Department of Health and provided health care as healthcare facilities.

2 46. Plaintiff Doe 15 is informed and believes, and on that basis alleges, that
3 Defendant Dr. Heaps is, and at all times relevant hereto was, an individual residing in the State
4 of California. At all times mentioned herein, Dr. Heaps was a physician licensed by the State
5 of California to practice medicine, and was the employee and/or agent of the UC Regents.

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

14 48. Plaintiff Doe 15 is ignorant of the true names and capacities of defendants sued
15 as Roe Nos. 6 through 20, inclusive, and sues these Roe defendants by these fictitious names.
16 Plaintiff Doe 15 will amend this Complaint to allege their true names and capacities when they
17 have been ascertained or upon proof at trial. Plaintiff Doe 15 alleges that each of the
18 fictitiously named Roe defendants is legally responsible in some manner for the occurrences
19 and damages alleged herein and/or is jointly and severally liable for the obligations of the
20 other defendants.

21 49. Plaintiff Doe 15 is informed and believes, and based thereon alleges, that at all
22 times relevant each of the defendants, including the Roe Defendants, was the agent, employee,
23 manager, supervisor, owner, servant and joint venturer of each of the remaining Defendants
24 and that in doing the things alleged, was acting within the course, scope and authority of such
25 agency, employment, supervision, management, ownership and joint venture, and with the
26 consent and permission of each of the other Defendants. Unless otherwise indicated, all
27 Defendants, including the Roe Defendants, are collectively referred to herein as the
28 "Defendants."

1 complaints of sexual exploitation, sexual abuse, sexual harassment and molestation by Dr.
2 Heaps from other patients. Plaintiff had a right to be free from gender discrimination, sexual
3 molestation, abuse and harassment under the Unruh Civil Rights Act.

4 58. The Defendants were acting under the color of their authority and in the scope of
5 their employment, during the instances when Plaintiff Doe 15 was a patient at UCLA Health.

6 59. The Defendants denied Plaintiff full and equal accommodations, advantages,
7 facilities, privileges and healthcare services because of her gender, by allowing Dr. Heaps
8 unfettered access to sexually abuse Plaintiff Doe 15, by and through his position of authority
9 as a UCLA Health gynecologist, by actively concealing from Plaintiff the knowledge that
10 Dr. Heaps was a serial sexual predator, which the UC Regents enabled and which conduct the
11 UC Regents ratified.

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

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

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

26 63. As a further direct and proximate result of Defendants' collective and concerted
27 wrongful actions, as herein alleged, Plaintiff Doe 15 has been hurt in her health, strength and
28 activity. Plaintiff has sustained permanent and continuing injury to her nervous systems and

1 person, which has caused and continues to cause great mental and physical pain, suffering,
2 fright, upset, grief, worry and shock in an amount according to proof at trial but in no event
3 less than the jurisdictional minimum requirements of this Court.

4 **SECOND CAUSE OF ACTION**

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

6 64. Plaintiff Doe 15 incorporates Paragraphs 1 through 63 as though fully set forth
7 herein.

8 65. Defendants' actions, as alleged herein, have had and will continue to interfere
9 with Plaintiff Doe 15's right to be free from gender discrimination in the form of sexual
10 harassment, codified under Cal. Civ. Code § 52.1.

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

17 67. Defendants' wrongful conduct was intended to, and did successfully interfere
18 with Plaintiff Doe 15's Constitutional rights to be free from gender discrimination and
19 harassment, as well as interfered with her rights of Due Process under the United States'
20 Constitution, specifically the Fifth and Fourteenth Amendments.

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

27 69. Defendants' above-noted actions were the legal and proximate causes of
28 physical, psychological, and emotional damages to Plaintiff Doe 15, who has suffered and

1 continues to suffer to this day. The actions of Defendants have also resulted in Plaintiff Doe
2 15 incurring, and will require her to incur into the future, expenses for medical and
3 psychological treatment, therapy, and counseling.

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

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

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

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1 **THIRD CAUSE OF ACTION**

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

3 **Civil Code § 51.9)**

4 73. Plaintiff Doe 15 incorporates Paragraphs 1 through 72 as though fully set forth
5 herein.

6 74. During Plaintiff Doe 15’s time as a patient at UCLA Health, Defendants
7 intentionally, recklessly and wantonly committed, enabled, and omitted, acts which resulted in
8 harmful and offensive contact with intimate parts of Plaintiff Doe 15’s person, including but
9 not limited to: sexual touching and molestation during a pelvic examination and breast
10 examination, which Plaintiff Doe 15 has now come to understand was without medical
11 justification, all under the supervision of the UC Regents. Female chaperones who were at
12 times in the room during Plaintiff Doe 15’s examination by Dr. Heaps sat silently as Plaintiff
13 Doe 15 was mistreated.

14 75. During Plaintiff Doe 15’s time as a patient at UCLA Health, Defendants also
15 intentionally, recklessly and wantonly made, and enabled, what Plaintiff Doe 15 has now
16 come to understand were sexual and exploitative statements of a prurient nature, based on
17 Plaintiff’s gender that were unwelcome, pervasive and severe, all under the supervision of
18 Defendant the UC Regents. Again, the female chaperones who were in the room at the time of
19 Plaintiff Doe 15’s examination sat silently as Plaintiff Doe 15 was subjected to these
20 comments.

21 76. The incidents of abuse outlined herein took place while Plaintiff Doe 15 was
22 under the control of Dr. Heaps and Defendant UC Regents in their capacities and positions as
23 a physician and as supervisors of physicians, medical professionals, and other staff at
24 Defendants’ premises, and while acting specifically on behalf of Defendants herein.

25 77. Because of Plaintiff’s relationships with Defendants Dr. Heaps and the UC
26 Regents, Dr. Heaps’ status as a prominent and highly compensated gynecologist employed by
27 the Defendant UC Regents and promoted on the UCLA Health website as a highly skilled
28 physician, and Plaintiff Doe 15’s vulnerability as a gynecological patient, Plaintiff Doe 15 was

1 unable to easily terminate the relationship she had with the Defendants.

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

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

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

23 81. Defendants’ conduct (and the conduct of their agents, servants and/or
24 employees) was a breach of their duties to Plaintiff Doe 15.

25 82. As a result of the above-described conduct, Plaintiff has suffered and continues
26 to suffer great pain of mind and body, shock, emotional distress, physical manifestations of
27 emotional distress including embarrassment, loss of self-esteem, disgrace, humiliation, and
28 loss of enjoyment of life; has suffered and continues to suffer and was prevented and will

1 continue to be prevented from performing daily activities and obtaining the full enjoyment of
2 life; and/or has incurred and will continue to incur expenses for medical and psychological
3 treatment, therapy, and counseling.

4 **FOURTH CAUSE OF ACTION**

5 **(Battery against All Defendants)**

6 83. Plaintiff Doe 15 incorporates Paragraphs 1 through 82 as though fully set forth
7 herein.

8 84. During the course of treatment of Plaintiff Doe 15, Dr. Heaps used his powers
9 and abilities as a physician, and his knowledge and background and access to Plaintiff Doe 15,
10 to sexually batter Plaintiff Doe 15, knowing that she would be vulnerable to this type of sexual
11 batter. Dr. Heaps engaged in sexual touching and molestation designed to sexual stimulate
12 Plaintiff Doe 15 and gratify Dr. Heaps during pelvic and breast examinations, which Plaintiff
13 Doe 15 has now come to understand was without medical justification, all under the
14 supervision of the UC Regents.

15 85. The female chaperones who were at times in the room during the visits enabled
16 the sexual battery and assault of Plaintiff Doe 15 by failing to reasonably perform their duties
17 as a chaperones and failing to raise any alarms during Dr. Heaps' misconduct or take any other
18 reasonably expected actions to prevent the harm inflicted upon Plaintiff Doe 15.

19 86. Had Dr. Heaps not been in a position of power and authority over Plaintiff Doe
20 15 and had she not been treated by Defendants, she would have never permitted such sexual
21 contact by Dr. Heaps, which acts (she now understands) constituted a harmful or offensive
22 touching and battery upon her person.

23 87. Plaintiff Doe 15 did not consent to the sexualized touching and sexual contact.

24 88. Dr. Heaps' conduct was within the course and scope of his employment with
25 Defendants, and each of them, and was ratified by Defendants and each of them who had
26 advance notice of this misconduct. All of the conduct occurred during the course and scope of
27 Dr. Heaps' employment at UCLA. Plaintiff suffered severe emotional distress and physical
28 injury as a result of Dr. Heaps' misconduct and damages as otherwise alleged in this

1 Complaint. In addition, at the time she was in the examination room and while she was
2 witnessing Dr. Heaps' battery of Plaintiff Doe 15, the female chaperones were acting in the
3 course and scope of her/their employment with UCLA.

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

16 90. In doing the acts alleged herein, Dr. Heaps used the power and authority
17 conferred upon him by Defendants the UC Regents to get access to patients such as Plaintiff
18 Doe 15. It is predictable and foreseeable, given Defendants' knowledge of Dr. Heaps' prior
19 misconduct and its negligent supervision of Dr. Heaps, and failure put in place—or enforce—
20 safeguards to prevent foreseeable harm to female gynecological patients, that someone in Dr.
21 Heaps' position would abuse the power and authority the UC Regents conferred upon him by
22 engaging in assaultive conduct. As such, Dr. Heaps' conduct is incident to his agency with the
23 UC Regents, so as to be fairly attributable to them.

24 91. As a proximate result of the above, Plaintiff Doe 15 suffered damages as
25 otherwise alleged in this Complaint.

26 92. Dr. Heaps' conduct alleged herein was despicable, and was done willfully and/or
27 with a conscious disregard of Plaintiff's rights, and/or intentionally, or maliciously, or in
28 reckless disregard of the high probability of injury to Plaintiff and others. Defendants, and

1 each of them, were in a special relationship with Plaintiff Doe 15 by virtue of the fact that she
2 was a patient at UCLA Health and receiving their services.

3 93. Defendants, and each of them, further knew that Plaintiff Doe 15 was especially
4 vulnerable and susceptible to injury by persons such as Dr. Heaps in the absence of adequate
5 supervision, and by reason of the authority the UC Regents vested in Dr. Heaps. The UC
6 Regents acted in conscious disregard of the rights and safety of Plaintiff by ignoring the
7 danger posed by Dr. Heaps, and by putting him in a position of trust and authority over
8 Plaintiff Doe 15, and failing to take proper steps to protect Plaintiff Doe 15 and other patients.
9 It was reasonably foreseeable Plaintiff Doe 15 would receive physical injury and severe
10 emotional distress as a result of Dr. Heaps' malfeasance. Defendant UC Regents' conduct in
11 this regard was done with the intent to cause injury to Plaintiff Doe 15 and/or done with a
12 conscious disregard of the rights and safety of Plaintiff.

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

19 **FIFTH CAUSE OF ACTION**

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

21 95. Plaintiff Doe 15 incorporates Paragraphs 1 through 94 as though fully set forth
22 herein.

23 96. During Plaintiff Doe 15's time as a patient with Defendants, Dr. Heaps
24 intentionally, recklessly, and wantonly did acts which Plaintiff Doe 15 now understands were
25 intended to, and did, result in harmful and offensive contact with intimate parts of Plaintiff
26 Doe 15's person, including but not limited to: sexual touching and molestation designed to
27 sexually stimulate Plaintiff Doe 15 and gratify Dr. Heaps during breast and pelvic
28 examinations, which Plaintiff Doe 15 has now come to understand was without medical

1 justification, all under the supervision of the UC Regents. The female chaperones who were
2 at times in the room during the visits enabled the sexual battery and assault of Plaintiff Doe 15
3 by failing to reasonably perform her duties as a chaperone and failing to raise any alarms
4 during Dr. Heaps' misconduct or take any other reasonably expected actions to prevent the
5 harm inflicted upon Plaintiff Doe 15.

6 97. Dr. Heaps did the aforementioned acts with the intent to cause a harmful or
7 offensive contact with an intimate part of Plaintiff Doe 15's person that would offend a
8 reasonable sense of personal dignity. Further, said acts did cause a harmful or offensive
9 contact with an intimate part of Plaintiff Doe 15's person that would offend a reasonable sense
10 of personal dignity.

11 98. Had Dr. Heaps not been in a position of power and authority over Plaintiff Doe
12 15 and had she not been treated by Defendants, she would have never permitted such sexual
13 contact by Dr. Heaps.

14 99. Plaintiff Doe 15 did not consent to this sexualized touching and sexual contact.

15 100. Dr. Heaps' conduct was within the course and scope of his employment with
16 Defendants, and each of them, and was ratified by Defendants and each of them who had
17 advance notice of this misconduct. All of the conduct occurred during the course and scope of
18 Dr. Heaps' employment at UCLA. Plaintiff suffered severe emotional distress and physical
19 injury as a result of Dr. Heaps' misconduct and damages as otherwise alleged in this
20 Complaint.

21 101. At the time she was in the examination room and while they were witnessing
22 Dr. Heaps' battery of Plaintiff Doe 15, the female chaperones were acting in the course and
23 scope of their employment with UCLA.

24 102. Defendant UC Regents is vicariously liable for the conduct alleged herein
25 because, even though Defendant UC Regents knew of these pervasive, illegal and
26 inappropriate activities by Dr. Heaps, the UC regents did nothing to investigate, supervise or
27 monitor Dr. Heaps to ensure the safety of the patients in his charge. Nor did Defendant UC
28 Regents put in place—or enforce—safeguards to prevent foreseeable harm to female

1 gynecological patients, including imposition of a policy providing for the mandatory presence
2 of a properly trained independent chaperone, to prevent, deter and report any misconduct in
3 the context of gynecological examinations and procedures. Defendant UC Regents also failed
4 adequately (or at all) to train its employees and agents in how to recognize and report any
5 sexual or medical battery or harassment. Instead, Defendant UC Regents allowed Dr. Heaps
6 to continue to perform gynecological examinations of female patients despite knowledge that
7 he had committed battery and sexual battery and assault in the past.

8 103. In doing the acts alleged herein, Dr. Heaps used the power and authority
9 conferred upon him by Defendants the UC Regents to get access to patients such as Plaintiff
10 Doe 15. It is predictable and foreseeable, given Defendants' knowledge of Dr. Heaps' prior
11 misconduct and its negligent supervision of Dr. Heaps, and failure put in place—or enforce—
12 safeguards to prevent foreseeable harm to female gynecological patients, that someone in Dr.
13 Heaps' position would abuse the power and authority the UC Regents conferred upon him by
14 engaging in assaultive conduct. As Such, Dr. Heaps conduct is incident to his agency with the
15 UC Regents, so as to be fairly attributable to them.

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

20 105. Plaintiff Doe 15 is informed and believes and based thereon alleges that the
21 conduct of Dr. Heaps was oppressive, malicious, and despicable in that it was intentional and
22 done in conscious disregard for the rights and safety of others, and was carried out with a
23 conscious disregard of Plaintiff Doe 15's right to be free from tortious behavior, such as to
24 constitute oppression, fraud, or malice pursuant to California Civil Code section 3294,
25 entitling Plaintiff Doe 15 to punitive damages against Dr. Heaps in an amount appropriate to
26 punish and set an example of Dr. Heaps and send a cautionary message to others similarly
27 situated.

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1 **SIXTH CAUSE OF ACTION**

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

3 106. Plaintiff Doe 15 incorporates Paragraphs 1 through 105 as though fully set forth
4 herein.

5 107. The conduct of defendants UC Regents and Dr. Heaps toward Plaintiff Doe 15,
6 as described herein, was outrageous and extreme.

7 108. A reasonable person would not expect or tolerate the sexual harassment,
8 exploitation, molestation, and abuse of Plaintiff Doe 15 by Dr. Heaps, nor tolerate or expect
9 the UC Regents' knowledge of, and callous indifference to, the abuse. Plaintiff Doe 15 had
10 great faith, trust, and confidence in Defendants, which, by virtue of their wrongful conduct,
11 has now turned to fear, shame, and humiliation.

12 109. A reasonable person would not expect or tolerate the UC Regents placing
13 Dr. Heaps—who was known to the UC Regents to have physically and sexually abused other
14 patients—in a position of care of Plaintiff Doe 15, which enabled Dr. Heaps to have access to
15 Plaintiff Doe 15 so that he could commit wrongful sexual acts, including the conduct described
16 herein.

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

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

4 112. As a result of the above-described conduct, Plaintiff Doe 15 has suffered and
5 continues to suffer great pain of mind and body, shock, emotional distress, physical
6 manifestations of emotional distress including embarrassment, loss of self-esteem, disgrace,
7 shame, humiliation, and loss of enjoyment of life; has suffered and continues to suffer and was
8 prevented and will continue to be prevented from performing daily activities and obtaining the
9 full enjoyment of life; and has incurred and will continue to incur expenses for medical and
10 psychological treatment, therapy, and counseling.

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

16 **SEVENTH CAUSE OF ACTION**

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

18 114. Plaintiff Doe 15 incorporates Paragraphs 1 through 113 as though fully set forth
19 herein.

20 115. A reasonable person would not expect or tolerate the sexual harassment,
21 exploitation, molestation, and abuse of Plaintiff Doe 15 by Dr. Heaps, nor tolerate or expect
22 the UC Regents' knowledge of and callous indifference to the abuse. Plaintiff Doe 15 had
23 great faith, trust, and confidence in Defendants, which, by virtue of their wrongful conduct,
24 turned to fear, shame, and humiliation.

25 116. A reasonable person would not expect or tolerate the UC Regents placing
26 Dr. Heaps—who was known to the UC Regents to have physically and sexually abused other
27 patients—in a position of care of Plaintiff Doe 15, which enabled Dr. Heaps to have access to
28 Plaintiff Doe 15 so that he could commit wrongful sexual acts, including the conduct described

1 herein.

2 117. A reasonable person would not expect or tolerate the Defendants, their agents,
3 servants, and/or employees to be incapable of supervising, preventing, and stopping Dr. Heaps
4 from committing wrongful sexual acts with patients, including Plaintiff Doe 15, or to be
5 incapable or unwilling to supervise Dr. Heaps. A reasonable person would not expect a
6 chaperone whose presence was supposed to ensure Plaintiff Doe 15's comfort and safety
7 during a gynecological exam would sit idly by and not say anything while Plaintiff Doe 15
8 was being sexually abused by a physician. A reasonable person would not expect that UCLA
9 would not vet its nurse/chaperones to determine whether they have criminal histories and
10 remove them from their positions when it is clear that they have alcohol and drug
11 dependencies. Indeed looking back now on what she understands to be sexual abuse, the
12 presence of the silent chaperone has further exacerbated Plaintiff Doe 15's extreme
13 embarrassment and harm as she was subjected to the misconduct with a silent audience.

14 118. Defendants had a special relationship with Plaintiff Doe 15 and/or had
15 undertaken an obligation to her that necessarily implicated Plaintiff Doe 15's emotional well-
16 being. Specifically, Defendants had a duty to take reasonable measures to prevent harm to
17 Plaintiff Doe 15.

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

22 120. Defendants' negligence was a substantial factor in causing Plaintiff Doe 15
23 serious emotional distress.

24 **EIGHTH CAUSE OF ACTION**

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

26 121. Plaintiff Doe 15 incorporates Paragraphs 1 through 120 as though fully set forth
27 herein.

28 122. By virtue of Plaintiff Doe 15's special relationship with the UC Regents as a

1 patient, and the UC Regents' relation to Dr. Heaps, Defendants owed Plaintiff Doe 15 a duty
2 not to retain Dr. Heaps, given his dangerous and exploitative propensities, which Defendants
3 knew or should have known about.

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

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

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

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

1 female patients.

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

8 128. The UC Regents were placed on actual or constructive notice that Dr. Heaps had
9 molested or was molesting female patients during his employment. Defendants had
10 knowledge of inappropriate conduct, exploitation, and serial molestations committed by
11 Dr. Heaps during his employment, yet chose to allow him to interact with patients, including
12 Plaintiff Doe 15.

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

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

20 131. Because the UC Regents:

- 21 (a) Had actual knowledge of the sexual exploitation, abuse, and harassment
22 being committed by Dr. Heaps;
- 23 (b) Failed to take action such as firing Dr. Heaps, reporting him to the police, or
24 reporting him to the California State Medical Board as mandated by Federal
25 Laws;
- 26 (c) Consciously and intentionally enabled Dr. Heaps to continue to sexually
27 exploit, abuse, and harass female patients by failing to take any of the above
28 action;

1 (d) Consciously and intentionally kept all of Dr. Heaps' exploitative, abusive,
2 and harassing behaviors secrets from patients and the public at large; and
3 (e) Failed to employ or train appropriate nurse/chaperones who could oversee
4 intimate examinations and report misbehavior;
5 the UC Regents have enabled and permitted the conduct of Dr. Heaps as set forth herein.

6 132. The UC Regents, their agents, servants, and/or employees knew Dr. Heaps was
7 sexually exploiting, abusing, and harassing female patients and refused to take any action to
8 stop him. Moreover, the UC Regents, their agents, servants, and/or employees hid this
9 information so Dr. Heaps could continue to work for UCLA, its clinics and facilities. With
10 knowledge of Dr. Heaps' sexual misconduct, no disciplinary action was taken by the UC
11 Regents and he was allowed to continue to interact with patients, including Plaintiff Doe 15.
12 The UC Regents, their agents, servants, and/or employees are thus responsible for Dr. Heaps'
13 acts of sexual exploitation, sexual assault, battery, and harassment.

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

21 **NINTH CAUSE OF ACTION**

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

23 134. Plaintiff Doe 15 incorporates Paragraphs 1 through 133 as though fully set forth
24 herein.

25 135. At all times relevant herein, each Defendant was the agent, partner, joint
26 venturer, representative, servant, employee and/or co-conspirator of each of the other
27 Defendants, and was at all times mentioned herein acting within the course and scope of said
28 agency and employment, and that all acts or omissions alleged herein were duly committed

1 with the ratification, knowledge, permission, encouragement authorization and consent of
2 each Defendant designated herein.

3 136. Defendants and each of them were agents, principals, joint venturers, partners,
4 representatives, servants, employees and/or co-conspirators of each of the other Defendants,
5 each Defendant condoned and ratified the conduct of all other defendants, and was at all times
6 mentioned herein acting within the course and scope of said agency and employment,
7 authority and ratification.

8 137. The UC Regents learned Dr. Heaps had molested or was molesting female
9 patients during his employment. Defendants had knowledge of inappropriate conduct, and
10 exploitation committed by Dr. Heaps during his employment, yet chose to allow him to
11 continue interacting with patients, including Plaintiff Doe 15.

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

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

23 140. The UC Regents’ conduct in enabling Dr. Heaps to serially sexually assault his
24 female patients was a long-standing, gross, and inexcusable violation of the duty of care owed
25 to Plaintiff Doe 15.

26 141. Because the UC Regents:

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

- 1 (b) Failed to take action such as firing Dr. Heaps, reporting him to the police, or
- 2 reporting him to the California State Medical Board as mandated by Federal
- 3 Laws;
- 4 (c) Consciously and intentionally enabled Dr. Heaps to continue to sexually
- 5 exploit, abuse, and harass female patients by failing to take any of the above
- 6 action;
- 7 (d) Consciously and intentionally kept all of Dr. Heaps' exploitative, abusive,
- 8 and harassing behaviors secrets from patients and the public at large; and
- 9 (e) Failed to employ or train appropriate nurse/chaperones who could oversee
- 10 intimate examinations and report misbehavior.

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

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

20 143. As a result of the above-described conduct, Plaintiff Doe 15 has suffered and
21 continues to suffer great pain of mind and body, shock, emotional distress, physical
22 manifestations of emotional distress including embarrassment, loss of self-esteem, disgrace,
23 shame, humiliation, and loss of enjoyment of life; has suffered and continues to suffer and was
24 prevented and will continue to be prevented from performing daily activities and obtaining the
25 full enjoyment of life; and will continue to incur expenses for medical and psychological
26 treatment, therapy, and counseling.

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28 ///

1 **TENTH CAUSE OF ACTION**

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

3 144. Plaintiff Doe 15 incorporates Paragraphs 1 through 143 as though fully set forth
4 herein.

5 145. Defendant UC Regents owed Plaintiff Doe 15 a duty to take reasonable
6 protective measures to safeguard Plaintiff and other female patients from the risk of sexual
7 battery by Dr. Heaps by properly warning, training or educating others, including their own
8 medical personnel, medical staff, administrators, and other agents, servants, and/or employees
9 (including chaperones) about how to avoid such a risk and what to do when such inappropriate
10 conduct is witnessed, reported, and/or discovered.

11 146. Defendant UC Regents breached its duty to take reasonable measures to protect
12 Plaintiff Doe 15 and other female patients from the risk of sexual harassment and abuse by
13 Dr. Heaps, such as the failure to properly warn, Plaintiff and other patients about Dr. Heaps.

14 147. Defendant UC Regents breached its duty to take reasonable protective measures
15 to safeguard Plaintiff and other patients from the risk of sexual harassment and abuse by
16 Dr. Heaps, by failing to supervise and stop employees, such as Dr. Heaps, and prevent them
17 from committing sexually abusive and exploitive acts upon patients, including Plaintiff Doe
18 15.

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

26 149. By breaching its duty, Defendant UC Regents unreasonably and wrongfully
27 exposed Plaintiff Doe 15 and other patients to sexual battery and abuse.

28 150. As a proximate result of the above-referenced conduct, Plaintiff has suffered and

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

7 **ELEVENTH CAUSE OF ACTION**

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

9 151. Plaintiff Doe 15 incorporates Paragraphs 1 through 150 as though fully set
10 forth herein.

11 152. Defendants committed the negligent acts and/or negligent failures to act, as set
12 forth above, and those acts caused the emotional and physical harm endured by Plaintiff Doe
13 15.

14 153. Defendants owed Plaintiff a duty of care to act.

15 154. Defendants breached that duty of care by way of their conduct and failed to
16 exercise reasonable care, as detailed and alleged above.

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

1 clothing, knowing that Dr. Heaps would assault her in a sexual manner; and/or (c) providing
2 Dr. Heaps the facilities and location to assault Plaintiff in a sexual manner and touting him as
3 an expert in gynecological care.

4 162. As more fully set forth above, Plaintiff was injured as a result of the gender
5 violence, and seeks all remedies provided for in California Civil Code § 52.4, including but
6 not limited to, actual damages, compensatory damages, punitive damages, costs, and
7 attorney's fees.

8 **THIRTEENTH CAUSE OF ACTION**

9 **(Unfair Business Practices (Business & Professions Code § 17200) against Heaps and**
10 **Roes)**

11 163. Plaintiff Doe 15 incorporates Paragraphs 1 through 162 as though fully set forth
12 herein.

13 164. Plaintiff is informed and believes, and on that basis alleges, that Defendants
14 have engaged in unlawful, unfair and/or deceptive business practices, including by allowing
15 Dr. Heaps to engage in repeated sexual abuse and harassment of patients, including Plaintiff,
16 and by failing to take all reasonable steps to prevent such sexual abuse and harassment from
17 occurring. The unlawful, unfair and/or deceptive business practices also included failing to
18 adequately and promptly investigate, vet, and evaluate individuals for employment with
19 UCLA Health and the UC Regents, as well as refusing to design, implement, and oversee
20 appropriate policies regarding sexual harassment and abuse of patients in a reasonable manner,
21 as is customary in similar healthcare and student-active environments. Further, Plaintiff is
22 informed and believes, and on that basis alleges, that Defendants engaged in unlawful, unfair,
23 and/or deceptive business practices by concealing the aforementioned sexual harassment,
24 abuse, and/or molestation in order to retain other patients who were not apprised of such
25 misconduct.

26 165. Plaintiff is informed and believes, and on that basis alleges, that Defendants
27 engaged in a common scheme, arrangement or plan to actively conceal allegations against
28 sexual abusers like Dr. Heaps who were employees, agents, members, and/or otherwise

1 affiliated with UCLA Health or the UC Regents so that Defendants could maintain their public
2 image, be insulated from public scrutiny and embarrassment, and otherwise avoid the
3 detection of such abuse and abusers, all in an effort to project a false sense of safety and
4 security for patients and students and benefit financially.

5 166. By engaging in the unlawful, unfair, and/or deceptive business practices
6 described above, Defendants benefitted financially to the detriment of competitors and the
7 public.

8 167. Unless restrained, Defendants will continue to engage in the unlawful, unfair,
9 and/or deceptive business practices described above, resulting in irreparable harm to Plaintiff
10 and the public.

11 168. Plaintiff seeks restitution of all amounts improperly obtained by Defendants
12 through the use of the above-described unlawful, unfair and/or deceptive business practices, as
13 well as disgorgement of any ill-gotten gains on behalf of Plaintiff and all others similarly
14 situated.

15 169. Pursuant to Section 17203 of the California Business & Professions Code and
16 available equitable powers of the Court, Plaintiff is entitled to and seeks an injunction
17 enjoining Defendants from continuing their unlawful, unfair, and/or deceptive business
18 practices. Further, Plaintiff is entitled to recover reasonable attorneys' fees pursuant to the
19 California Business & Professions Code and California Code of Civil Procedure § 1021.5.

20 **FOURTEENTH CAUSE OF ACTION**

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

22 170. Plaintiff Doe 15 incorporates Paragraphs 1 through 169 as though fully set forth
23 herein.

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

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

4 173. By virtue of their confidential, fiduciary, and special relationship with Plaintiff,
5 Defendants owed Plaintiff a duty to:

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

17 174. On information and belief, Defendants breached their respective duties by:

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

1 on information and belief, had alcohol and prescription drug addictions
2 during the time in which she was rendering nurse and chaperone services
3 to patients, including Plaintiff Doe 15;

4 (g) continuing to assign Dr. Heaps to duties which placed him in positions
5 of trust and authority over other patients;

6 (h) continuing to impliedly represent that Dr. Heaps was safe and morally fit
7 to give medical care and provide gynecological treatment; and

8 (i) continuing to promote Dr. Heaps as a faculty member and trusted
9 physician on the UCLA School of Medicine website even after he had
10 forcibly “retired.”

11 175. Defendant made affirmative or implied representations and nondisclosures of
12 material facts about Dr. Heaps and his suitability to provide gynecological care to patients,
13 and knowingly and intentionally suppressed material facts about past allegations of
14 misconduct against Dr. Heaps that the UC Regents knew or should have known about.

15 176. Given her need for medical treatment, and her trust and care in Defendants,
16 Plaintiff was vulnerable to Defendants.

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

19 178. Defendants’ conduct did reasonably cause Plaintiff to forebear on her rights, and
20 Plaintiff justifiably relied upon Defendants for information about Dr. Heaps.

21 179. The misrepresentations, suppressions, and concealment of facts by Defendants
22 were intended to and were likely to mislead Plaintiff and others to believe that Defendants had
23 no knowledge of any misconduct by Dr. Heaps.

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

26 181. On information and belief, Defendants suppressed and concealed the true facts
27 regarding Dr. Heaps with the purpose of, among other things: (a) preventing Plaintiff and
28 others from learning that Dr. Heaps had and was continuing to sexually harass, molest, and

1 abuse patients, (b) inducing Plaintiff and other people to participate and financially support
2 Defendants' programs and enterprises; (c) preventing further reports and investigations of
3 Defendants' misconduct; (d) avoiding damage to Defendants' reputations; and (e) protecting
4 Defendants' power, status, and reputation in the community.

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

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

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

17

18 **WHEREFORE**, Plaintiff Doe 15 prays for a jury trial and for judgment against
19 Defendants as follows:

20

FOR ALL CAUSES OF ACTION

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

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- 7. For restitution and disgorgement; and
- 8. For such other and further relief as the Court may deem proper.

DATED: August 26, 2019

THEODORA ORINGER PC

By: /s/ Jennifer J. McGrath
Jennifer J. McGrath
Attorney for Plaintiff JANE DOE 15

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DEMAND FOR TRIAL BY JURY

Plaintiff Jane Doe 15 hereby demands a trial by jury in this action.

DATED: August 26, 2019

THEODORA ORINGHER PC

By: /s/ Jennifer J. McGrath
Jennifer J. McGrath
Attorney for Plaintiff JANE DOE 15