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

13 **19STCV31221**

14 JANE DOE 16,

15 Plaintiff,

16 vs.

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

21 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) Sexual Assault
- (14) Unfair Business Practices (Business & Professions Code § 17200)
- (15) Constructive Fraud
- (16) Hostile Work Environment Harassment Based on Sex and Disability (Govt. Code § 12940 (j))
- (17) Discrimination Based Disability (Govt. Code § 12940 (a))

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- (18) Retaliation for Opposing Unlawful Harassment and Discrimination (Govt. Code § 12940(h))
- (19) Failure to Prevent Harassment, Discrimination and Retaliation (Govt. Code § 12940(k))
- (20) Retaliation for Exercising Rights under CFRA (Govt. Code § 12945.2(l))
- (21) Violations of the Whistleblower Act (Lab. Code § 1102.5)

**DEMAND FOR JURY TRIAL**

Plaintiff Jane Doe 16,<sup>1</sup> an individual (“Plaintiff Doe 16” or “Plaintiff” or “Doe 16”), hereby complains against Defendants Regents of the University of California (“UC Regents” or the “Regents”), a California government corporation, Dr. James Heaps (“Dr. Heaps”), an individual, Hilda Oliva (“Ms. Oliva”), an individual, and Roes 1 through 20 (collectively, “Defendants”) and alleges as follows:

**INTRODUCTION**

1. This case involves egregious conduct by Dr. Heaps, by the UC Regents (who control and operate UCLA Health) and by Ms. Oliva, a manager at UCLA Health. The Regents failed to protect their own longtime employee — Plaintiff Doe 16 — from ongoing sexual abuse at the hands of Dr. Heaps, a serial sexual predator whom the Regents already knew (or should have known) was abusing and harassing his female patients. When Plaintiff Doe 16 was sexually abused by Dr. Heaps and reported it, Defendants told Plaintiff Doe 16 “to be quiet,” threatened her job and openly retaliated against her in an unconscionable manner simply because she attempted to report sexual abuse by a prominent and high earning UCLA Health physician.

2. Plaintiff is a medical assistant in a different department at UCLA Health than

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<sup>1</sup> Plaintiff, as a victim of sexual abuse, is identified herein using a pseudonym in order 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 Dr. Heaps. Plaintiff went to Dr. Heaps for routine gynecological care unrelated to her job  
 2 at UCLA Health after being referred to him through UCLA Health’s “Physician Referral  
 3 Service.” During the course of her first appointments with him, Dr. Heaps sexually abused  
 4 and harassed her (and sexually harassed his own employee in Plaintiff’s presence). As  
 5 Plaintiff herself to this day provides patient care during sensitive exams--as part of her  
 6 medical assistant job at UCLA Health--she knew she needed to report Dr. Heaps in order  
 7 to protect other patients and employees from being subjected to such abuse. Thus, after  
 8 Plaintiff suffered this abuse, she immediately reported what had been done to her – in  
 9 graphic detail – to her supervisor, Ms. Oliva.

10 3. On information and belief, instead of taking action in response to Plaintiff’s  
 11 report, Defendants instead turned a blind eye, doing nothing to investigate or address these  
 12 credible claims of sexual abuse and serious misconduct being made by their own  
 13 employee. The ramifications of this failure to act were severe and are ongoing as Plaintiff  
 14 Doe 16 – and likely hundreds of other female patients – continued to be subjected to sexual  
 15 abuse at the hands of Dr. Heaps and the Regents. The Regents and Ms. Oliva likewise  
 16 subjected Plaintiff Doe 16 to a campaign of retaliation for having made a report of sexual  
 17 abuse, a campaign designed to humiliate her and force her into silence about Dr. Heaps  
 18 and his sexually abusive conduct towards patients and staff.

19 4. As described below, in or about January 2017, Plaintiff told her supervisor,  
 20 Defendant Oliva, that Dr. Heaps had performed a transvaginal ultrasound procedure on her  
 21 in an inappropriate way (as though he were simulating sexual intercourse), that she felt  
 22 uncomfortable and that she felt as though she “had been raped.” She further told  
 23 Ms. Oliva that “somebody needs to know about this,” *i.e.*, about Dr. Heaps’ misconduct.  
 24 Begging for help for herself and others who may be impacted, Plaintiff asked Ms. Oliva,  
 25 “Who is Dr. Heaps’ boss?”

26 5. In response, Ms. Oliva actually went so far as to smirk and laugh at Plaintiff,  
 27 telling her that she “sometimes says too much,” that she was “taking things the wrong  
 28 way” and that she should “be quiet and go back to work.” Ms. Oliva then threatened

1 Plaintiff's job and told her that if she persisted in making a complaint about Dr. Heaps, that  
2 she would not be able to obtain any of her personal medical care at UCLA's Westwood  
3 campus, but would have to go to a gynecologist at Harbor-UCLA, which Ms. Oliva made  
4 clear she believed was an inferior facility.

5         6.       In need of a follow-up gynecological appointment, but fearful (because of  
6 Ms. Oliva's reaction) about losing her job if she continued to press her concerns regarding  
7 Dr. Heaps and likewise fearful that she would be forced to receive lesser care at the  
8 Harbor-UCLA facility, Plaintiff Doe 16 returned to Dr. Heaps two more times. At both  
9 appointments, Plaintiff suffered additional sexual abuse, including touching by Dr. Heaps  
10 which was intended to sexually stimulate her during a pelvic exam, as well as additional  
11 physical groping and severe verbal harassment and humiliation.

12         7.       Plaintiff's January 2017 report to Ms. Oliva was not the Regents' first  
13 awareness of Dr. Heaps' propensity towards sexual abuse and harassment of patients. As  
14 described herein, on information and belief, the Regents were aware of patient complaints  
15 of sexual misconduct from at least as early as 2014. Nor would Plaintiff Doe 16's report  
16 be the last report of such misconduct: By June 2018, Dr. Heaps was no longer practicing,  
17 having been forced out after, on information and belief, (1) an investigation of alleged  
18 sexual abuse relating to *another* patient who was treated months *after* Plaintiff's report and  
19 (2) a claim by an employee of sexual harassment, also, on information and belief, made  
20 *after* Plaintiff's report.

21         8.       On information and belief, Ms. Oliva was a managerial employee and acted  
22 at all times on behalf of the Regents. The Regents' unthinkable failure to act on Plaintiff's  
23 complaint that she was sexually battered meant that (in addition to the unknown number of  
24 patients subjected to abuse as a result of the Regents' earlier refusals to act on information  
25 about Dr. Heaps), on information and belief, hundreds of Dr. Heaps' female patients were  
26 unwittingly exposed to potential sexual abuse for nearly a year and a half following  
27 Plaintiff Doe 16's January 2017 report, until Dr. Heaps was finally forced out of his  
28 position of prominence at UCLA in mid-2018. On information and belief, many women

1 were in fact victimized in this time period, including Plaintiff.

2           9.       Although Plaintiff had acted to try to protect other women from harm by  
3 relating the trauma of her own sexual abuse by Dr. Heaps, she suffered tremendously for  
4 having made her report to Ms. Oliva. Following her report, Ms. Oliva subjected Plaintiff  
5 Doe 16 to a barrage of harassment and retaliation, mercilessly mocking her in ways that  
6 are almost unimaginable. When Plaintiff was understandably upset about seeing her  
7 abuser, Dr. Heaps (who worked in the same building as Plaintiff at UCLA), in the elevator  
8 and in public spaces, Ms. Oliva, acting in her capacity as a manager at UCLA Health,  
9 made fun of Plaintiff, referring regularly to Dr. Heaps as her “nightmare.” Ms. Oliva made  
10 these mocking statements at times in front of other staff even though she knew that  
11 Plaintiff did not want her co-workers to know about the highly personal issue of sexual  
12 abuse, causing Plaintiff additional distress and anxiety.

13           10.       Ms. Oliva also repeatedly insinuated – or outright stated – that Plaintiff was  
14 too “emotional” or too “sensitive.” Ms. Oliva even went so far as to reference the fact that  
15 Plaintiff had lost her first baby (who was stillborn) as justification for telling Plaintiff that  
16 she should seek “a psych evaluation.” In actuality, it appears that Ms. Oliva was  
17 consistently fearful that Plaintiff would renew her complaints about Dr. Heaps and that the  
18 Regents would be damaged if the truth about what was occurring behind closed exam  
19 room doors were disclosed. To prevent this, Ms. Oliva acted to diminish Plaintiff and  
20 paint her as “crazy.”

21           11.       Ms. Oliva and the Regents also violated the California Family Rights Act  
22 (“CFRA”) in the numerous ways detailed herein, further violating Plaintiff’s rights.  
23 Plaintiff, who has type one diabetes, occasionally needs intermittent leave and  
24 accommodation for medical treatment (and when she is suffering severe symptoms), but  
25 was, repeatedly and systemically, criticized for taking leave and retaliated against when  
26 she did so.

27           12.       Even after Dr. Heaps was arrested and the news of his arrest became  
28 widespread, the Regents continued to engage in retaliation against Plaintiff and

1 mistreatment of her. As just one example, Plaintiff was mistreated even during recent  
 2 chaperone “training” that was, on information and belief, instituted by the Regents to  
 3 address systemic problems that allowed Dr. Heaps to continue practicing at UCLA and to  
 4 abuse women over a long period of time.

5 13. This training—designed, on information and belief, to educate UCLA Health  
 6 employees about how to “chaperone” intimate patient examinations—consists of a 15-  
 7 minute interactive internet tutorial and a brief group meeting after which employees  
 8 receive a purple badge which says, “Chaperone.” At this training, Plaintiff was singled out  
 9 and her reports of sexual abuse were mockingly referenced in front of co-workers,  
 10 prompting questions from her co-workers and grossly invading Plaintiff’s personal  
 11 privacy, as well as making it even more difficult for her to continue functioning in her job  
 12 and caring for patients.

13 14. Plaintiff has suffered lasting repercussions from these terrible events. Since  
 14 Dr. Heaps’ arrest on charges that he abused patients (including after Plaintiff made her  
 15 report), Plaintiff now fully understands that UCLA chose to protect its reputation and  
 16 financial coffers and not its own female employees and patients (or the community it  
 17 purports to serve) from the horrors of sexual battery perpetrated by a trusted physician.  
 18 Plaintiff has thus been victimized twice – once at the hands of Dr. Heaps and again by the  
 19 indifference and outright cruelty of the Regents and its managing agents, who failed to  
 20 protect her and retaliated against her for her efforts to save others from abuse.

21 **FACTS COMMON TO ALL CAUSES OF ACTION**

22 **Defendant Dr. Heaps’ Background as a Provider of Medical Services to Women at**  
 23 **UCLA**

24 15. From 1983 to 1989, Dr. Heaps completed his internship and residency as an  
 25 obstetrician-gynecologist and a fellowship in gynecologic oncology at the UCLA School  
 26 of Medicine. Upon information and belief, beginning in the early 1990s, Dr. Heaps was in  
 27 private practice as an OBGYN at an office located at 100 Medical Plaza in Westwood. On  
 28 further information and belief, in or about February 2014, Dr. Heaps’ private practice was

1 acquired by the UC Regents and Dr. Heaps was hired by the UC Regents as a full-time  
2 gynecologist at UCLA Health, with a purported specialty in gynecologic oncology.

3 16. In that role, on information and belief, Dr. Heaps continued to provide  
4 gynecological services to women, including Plaintiff Doe 16, at his office located at 100  
5 Medical Plaza in Westwood. On further information and belief, Dr. Heaps had privileges  
6 at Ronald Reagan UCLA Medical Center from 1988 to 2018, where he performed  
7 procedures and provided services to hospitalized female patients. On further information  
8 and belief, Dr. Heaps was a professor at the University of California Los Angeles David  
9 Geffen School of Medicine from 1989 until 2018.

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

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

19 **UCLA Consistently Turns a Blind Eye to Sexual Abuse and Harassment by**  
20 **Dr. Heaps**

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

27 20. During Dr. Heaps' tenure at UCLA, however, Plaintiff is informed and  
28 believes, and on this basis alleges, that Dr. Heaps sexually abused and molested a number

1 of his female patients, including Plaintiff Doe 16, through the use of his position and  
2 authority as a full-time gynecologist employed by the UC Regents.

3         21. It is unknown to Plaintiff Doe 16 what background information the UC  
4 Regents sought from Dr. Heaps in advance of his being hired at UCLA (and his practice  
5 acquired by the UC Regents) in or about February 2014. It is unclear whether the UC  
6 Regents did any independent investigation of Dr. Heaps or his background when they  
7 sought to employ him to provide gynecological services to female patients at his UCLA  
8 Health office and at Ronald Reagan UCLA Medical Center.

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

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

26         24. In or about January 2015, during Dr. Heaps’ tenure at UCLA Health, a report  
27 of sexually inappropriate conduct by Dr. Heaps was posted on Yelp, a public review  
28 website. The young woman who posted on Yelp stated that the misconduct she alleged,



1 which included Dr. Heaps groping her breast and making inappropriate comments during a  
2 post-operative appointment with her, had occurred several years prior to her Yelp post and  
3 while she was a UCLA student. The woman who posted on Yelp detailed her experience  
4 with this sexual assault and harassment by Dr. Heaps and its aftermath, stating that, “7  
5 years later, I still feel violated.”

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

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

19         27. The female chaperones who were in the room during Dr. Heaps’ sexual  
20 battery and harassment of Plaintiff Doe 16 acted recklessly and negligently, in that they  
21 failed to reasonably perform their duties as a chaperone and failed to act with the ordinary  
22 care one would expect. The chaperones—on information and belief, employees of the UC  
23 Regents—failed to raise any alarms during Dr. Heaps’ misconduct (which they witnessed)  
24 or take any other reasonably expected actions to prevent or stop the misconduct, despite  
25 being aware of the lack of medical necessity of Dr. Heaps’ touching and comments to  
26 Plaintiff Doe 16. Further, on information and belief, the chaperones did not report  
27 Dr. Heaps’ misconduct.

28         28. Plaintiff Doe 16 is now informed and believes, and based thereon alleges,

1 that the UC Regents further breached its duties owed to Plaintiff Doe 16 and other patients  
2 by, among other things, failing to conduct reasonable investigation and/or due diligence  
3 prior to hiring individuals assigned to assist Dr. Heaps during the relevant time period,  
4 including those charged with the important task of chaperoning gynecological  
5 examinations.

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

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

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

1 medical treatment to patients.

2       32. As detailed herein, the Regents were informed by Plaintiff Doe 16 in or  
3 about mid-January 2017 that she had suffered suspected sexual abuse at the hands of  
4 Dr. Heaps during a transvaginal ultrasound procedure. Despite the credibility of such a  
5 report (which came from a trusted employee who herself is involved in sensitive  
6 examinations of patients and is currently trained and certified by UCLA Health to  
7 chaperone intimate examinations at UCLA facilities), on information and belief, nothing  
8 was done to address her concerns, no investigation was initiated and no report was made to  
9 the California Medical Board or any other investigatory agency.

10       33. As a direct result of the Regent’s failure to take action in the wake of  
11 Plaintiff Doe 16’s report, on information and belief, other patients were victimized. As a  
12 result, in or about early December 2017, another patient of Dr. Heaps complained to  
13 UCLA in detail about the physical and verbal sexual abuse and harassment that she had  
14 been forced to endure at the hands of Dr. Heaps.

15       34. Nonetheless, UCLA again chose to ratify Dr. Heaps’ conduct, allowing him  
16 to continue practicing and seeing patients uninterrupted for the better part of a year. Those  
17 patients—likely hundreds in number—were seeking routine care and were unwittingly  
18 exposed to a serious threat of lasting harm. Notwithstanding these complaints—and  
19 despite being on notice of Dr. Heaps’ malfeasance—the UC Regents continued to employ  
20 or otherwise affiliate with Dr. Heaps and ratify his conduct, allowing him to maintain his  
21 practice and see patients, which he did until mid-2018.

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

27       36. The UC Regents failed to take prompt action in response to complaints  
28 received about Dr. Heaps, including the aforementioned complaints. Instead, to avoid

1 negative publicity, the UC Regents continued to provide Dr. Heaps unfettered access to  
 2 patients, including young female students at UCLA and female patients at UCLA Health,  
 3 including employees.

4 **Plaintiff Doe 16 Is Sexually Battered and Harassed by Dr. Heaps During Routine**  
 5 **Gynecological Procedures And Her Report of Abuse Is Ignored And Mocked**

6 37. Plaintiff has been employed by UCLA Health as a medical assistant since  
 7 November 2015. As part of her job, she assists with checking in patients and taking their  
 8 vitals. Plaintiff Doe 16 has been supervised at all times since her hiring by Ms. Oliva, who  
 9 is currently the Director of the Gastroenterology Department.

10 38. In or about mid-2016, through the main UCLA Health referral phone line,  
 11 Plaintiff was referred to Dr. Heaps, whom others at UCLA Health (including Ms. Oliva)  
 12 assured her was “the best of the best” in terms of the gynecological care that he could  
 13 provide.

14 39. During Plaintiff Doe 16’s first appointment with Dr. Heaps’ office,  
 15 Dr. Heaps’ conduct was abhorrent. During the appointment, Plaintiff Doe 16 was at first  
 16 seen by Dr. Heaps’ physician’s assistant (the “P.A.”). The P.A. conducted a routine  
 17 examination (including a pelvic exam, pap smear and breast exam), which was uneventful.  
 18 After the exam was concluded, the P.A. told Plaintiff Doe 16 that she (the P.A.) would be  
 19 leaving Dr. Heaps’ practice and wanted Plaintiff Doe 16 to meet Dr. Heaps.

20 40. When Dr. Heaps entered the exam room, however, he did so while Plaintiff  
 21 Doe 16 was putting her bra on and getting dressed following the exam. The P.A. asked  
 22 Dr. Heaps to give Plaintiff Doe 16 a moment to finish dressing, but Dr. Heaps ignored the  
 23 P.A. Instead, Dr. Heaps pulled a stool close to where Plaintiff was seated on the exam  
 24 table (with a gown Plaintiff grabbed when Dr. Heaps suddenly entered the exam room and  
 25 which she quickly draped across her front) and began discussing non-medically relevant  
 26 matters including her employment at UCLA Health. At one point, Dr. Heaps removed the  
 27 bandana he was wearing on his head and proceeded to rub his leg with it. Dr. Heaps then  
 28 put his hand and the bandana on Plaintiff’s leg and rubbed her knee. The P.A. did nothing

1 to intervene. At one point during the time that Dr. Heaps was in the exam room, Dr. Heaps  
2 commented that Plaintiff had “nice big thighs just like [the P.A.]”

3 41. After Dr. Heaps left the room, Plaintiff commented that she felt like Dr.  
4 Heaps’ behavior was a form of sexual harassment, and the P.A. apologized for his  
5 comments. It is not known by Plaintiff whether the P.A. ever made a report of this  
6 misconduct but, if so, Plaintiff is not aware of it and was never contacted regarding any  
7 such complaint.

8 42. Plaintiff’s next appointment with Dr. Heaps was on or about January 12,  
9 2017. At the beginning of the appointment, Dr. Heaps requested that a chaperone  
10 accompany him into the examination room, but she later left for an unknown reason.  
11 Without a chaperone in the room, Dr. Heaps performed a transvaginal ultrasound on  
12 Plaintiff and diagnosed Plaintiff with polycystic ovarian syndrome (“PCOS”). A  
13 transvaginal ultrasound is a routine procedure which involves the insertion into the vagina  
14 of an ultrasound wave-producing device, called a transducer, to produce images on a  
15 screen of the organs in the pelvic region. During the procedure, on or about this date,  
16 Dr. Heaps sexually assaulted, battered and abused Plaintiff, using the transducer device in  
17 a sexual manner as if he were simulating sexual intercourse so as to sexually stimulate  
18 Plaintiff and gratify himself. Dr. Heaps also conducted a breast examination in a manner  
19 that Plaintiff now understands and believes was also intended for his own sexual  
20 gratification. Plaintiff—who is herself a medical professional who oftentimes participates  
21 in sensitive examinations performed at UCLA Health—was shocked and horrified that  
22 Dr. Heaps would act in this manner. She left the appointment feeling shaken and violated,  
23 and wanted to make certain that others were made aware of Dr. Heaps’ misconduct so that  
24 he could be stopped.

25 43. To that end, immediately after her appointment, Plaintiff informed  
26 Defendant Oliva, her supervisor, about what had happened. Plaintiff told Ms. Oliva in no  
27 uncertain terms that Dr. Heaps had acted inappropriately and in a sexual manner towards  
28 her. Specifically, Plaintiff told Ms. Oliva that Dr. Heaps had used the transducer in a way

1 that simulated sexual intercourse and that Plaintiff felt uncomfortable, afraid and “like she  
2 had been raped.” Plaintiff persisted in attempting to bring attention to this matter, asking  
3 Ms. Oliva during this conversation, “Who is Dr. Heaps’ boss?” and inquired how she  
4 could further escalate her concerns about his serious misconduct.

5 44. Instead of offering Plaintiff assistance or support and taking action to report  
6 this sexual abuse, Ms. Oliva turned on Plaintiff, berating and threatening her. Ms. Oliva  
7 told Plaintiff in this same conversation that “you say too much” and “maybe you took it the  
8 wrong way.” Ms. Oliva asked Plaintiff, “Do you want to lose your job?” and told her,  
9 “You need to be quiet.” Ms. Oliva then further intimidated Plaintiff, telling her that she  
10 should continue to see Dr. Heaps or else she would have to seek care at Harbor UCLA and  
11 could not get medical care in Westwood.

12 45. Ms. Oliva clearly implied that the medical care that Plaintiff would receive at  
13 Harbor UCLA (if she insisted on moving forward with her complaint against Dr. Heaps)  
14 would be inferior. Plaintiff tried again in this same conversation to make Ms. Oliva  
15 understand what had transpired, telling Ms. Oliva that “someone needs to know about  
16 this,” *i.e.*, about Dr. Heaps’ sexually abusive conduct. Ms. Oliva then reiterated that  
17 Plaintiff must have “misunderstood” Dr. Heaps’ conduct. When Plaintiff expressed  
18 distress that she was “stuck” with receiving care from Dr. Heaps, Ms. Oliva smirked and  
19 laughed at Plaintiff. Ms. Oliva told Plaintiff to “be quiet” and “just go back to work.” Ms.  
20 Olivia again told Plaintiff to be quiet asking “do you want to lose your job?”

21 46. In light of this response from Ms. Oliva, Plaintiff felt afraid that, if she  
22 persisted in mentioning Dr. Heaps’ misconduct or taking any further action to expose it,  
23 she would lose her job and her only means of financial support. In addition, because  
24 Ms. Oliva absolutely insisted that Plaintiff was mistaken and confused about the nature of  
25 what had happened at her appointment with Dr. Heaps, Plaintiff began to doubt and  
26 question herself about Dr. Heaps’ conduct and her reaction to it.

27 47. In breathtaking dereliction of her duties as a managerial employee at UCLA  
28 Health, Ms. Oliva never responded to Plaintiff’s question about contacting Dr. Heaps’

1 “boss” and never gave Plaintiff any direction on how to further report this sexual  
2 misconduct. Plaintiff does not know whether Ms. Oliva ever told anyone else at UCLA  
3 about her allegations, but Plaintiff was never contacted about them. Plaintiff does not  
4 know whether Ms. Oliva had any training or information about how to make a further  
5 report of this abuse. It is now patently clear that the Regents put other considerations  
6 above the safety of Plaintiff and the hundreds of other female patients who continued to  
7 see Dr. Heaps in the ensuing year and a half until he was finally removed from UCLA  
8 Health.

9 48. In the fall of 2017, Plaintiff needed a follow-up appointment to address her  
10 PCOS diagnosis. Because (as a result of Ms. Oliva’s response to her complaint) she feared  
11 for her job and feared that she would not receive appropriate medical care for her PCOS  
12 elsewhere—and because Ms. Oliva assured her that Dr. Heaps’ conduct was appropriate —  
13 Plaintiff returned to Dr. Heaps’ office on two more occasions, in or about September and  
14 in or about November 2017. As a direct result of Ms. Oliva’s words and conduct towards  
15 her, therefore, Plaintiff was subjected to additional severe sexual abuse, harassment and  
16 humiliation.

17 49. At an appointment on or about September 14, 2017, Dr. Heaps again  
18 engaged in serious misconduct and sexual abuse and harassment. At the beginning of what  
19 should have been a routine pelvic examination (with a chaperone present), Dr. Heaps  
20 mocked Plaintiff, making humiliating comments to her (in front of the medical assistant)  
21 that she “should shave” her vaginal and rectal areas. In response, both Dr. Heaps and the  
22 “chaperone” started laughing at Plaintiff and, when Plaintiff tried to confront Dr. Heaps,  
23 asking him why he would say such a thing, he told her, “don’t bother me, I’m doing your  
24 exam.” Despite Plaintiff having made no complaint of rectal or buttock pain, Dr. Heaps  
25 then examined and groped her buttocks in a sexual manner.

26 50. In addition, after asking the chaperone to leave for what Plaintiff believes  
27 was a pre-textual reason (which the chaperone at first resisted), Dr. Heaps inappropriately  
28 groped and massaged Plaintiff’s breasts and nipples during a purported breast

1 “examination.” After Dr. Heaps asked the chaperone to leave and she did so, Plaintiff Doe  
2 16 asked Dr. Heaps, “Don’t we need her [i.e., the chaperone]?” Dr. Heaps replied, “What  
3 is she going to do?”

4 51. Following that visit, Plaintiff received word from Dr. Heaps’ office  
5 regarding certain test results and was told that she needed to come back to discuss the  
6 results and possibly have further treatment. Concerned and, again fearful of the impact  
7 that any complaint or other action on her part would have on her job, Plaintiff scheduled  
8 another appointment with Dr. Heaps. At that appointment, on or about November 6, 2017,  
9 when Plaintiff said that she did not understand the test results and was fearful, both Dr.  
10 Heaps and the chaperone laughed at her and openly mocked her, telling her that she should  
11 understand the results as she is a medical assistant. Plaintiff felt understandably  
12 embarrassed and uncomfortable as a result of these inappropriate and humiliating  
13 comments about her personal health.

14 52. Far worse, during the pelvic examination and breast examination which Dr.  
15 Heaps performed that day, on or about November 6, 2017, Dr. Heaps touched her in a  
16 manner designed to sexually stimulate her and gratify himself. When Plaintiff resisted and  
17 asked him what he was doing, he replied, “I’m sorry, did I hurt you? No, I did not. Who is  
18 the doctor here?” Because of her prior experiences with Dr. Heaps, Plaintiff declined a  
19 transvaginal ultrasound at this exam. Like before, a chaperone was initially present during  
20 this examination, but was dismissed from the exam room (for what Plaintiff believes was a  
21 pre-textual reason) before Dr. Heaps engaged in this sexual touching.

22 **UCLA Disregards Plaintiff’s Protected Whistleblowing Activity And Ms. Oliva**  
23 **Retaliates Against Plaintiff**

24 53. The terrible physical and verbal abuse and harassment described herein by  
25 Dr. Heaps was not the only mistreatment suffered by Plaintiff at the hands of UCLA  
26 employees. Plaintiff had trusted in Ms. Oliva when she made her report about Dr. Heaps’  
27 misconduct, but Ms. Oliva went on systematically to retaliate against Plaintiff for making  
28 the report, thereby creating a hostile work environment for Plaintiff and causing Plaintiff



1 significant emotional distress.

2           54. Understandably, Plaintiff was embarrassed and humiliated by Dr. Heaps’  
3 abuse and did not want what she suffered to become known to her co-workers and others  
4 in the department. Ms. Oliva abused that trust, repeatedly throwing the report back in  
5 Plaintiff’s face.

6           55. Ms. Oliva heaped abuse on Plaintiff, regularly referring to Dr. Heaps as  
7 Plaintiff’s “nightmare,” both to Plaintiff in private and in front of other staff persons.  
8 Because of the proximity of Dr. Heaps’ office to where Plaintiff worked, she was forced to  
9 see him on occasion in common areas (and in the building elevator). On a particular day  
10 when Plaintiff came to work without makeup, Ms. Oliva asked her whether she did so  
11 because she was afraid that she might “see her nightmare.” In other words, Ms. Oliva was  
12 suggesting that Plaintiff intentionally tried to make herself less attractive when she might  
13 see Dr. Heaps so that he would not act in a sexual way towards her. Plaintiff was so  
14 distressed by this conversation that it left her in tears, which Ms. Oliva also taunted her  
15 about. Ms. Oliva would also mockingly ask Plaintiff, “Are you ok?” any time that  
16 Ms. Oliva was aware that Plaintiff had seen Dr. Heaps in a common area. Ms. Oliva also  
17 repeatedly suggested that Plaintiff was overly sensitive or even had mental problems  
18 because she had made a report of being sexually abused by Dr. Heaps.

19           56. On one particular occasion, Plaintiff was in the elevator at the same time as  
20 Dr. Heaps, a man who had repeatedly sexually assaulted, harassed and humiliated her.  
21 Being that close to Dr. Heaps caused Plaintiff tremendous distress and to feel shaky and  
22 unwell. During that elevator ride, Plaintiff overheard Dr. Heaps talking loudly about a  
23 patient in the presence of others on the elevator. In yet another attempt to get Ms. Oliva to  
24 do something about Dr. Heaps, Plaintiff told Ms. Oliva that Dr. Heaps had been  
25 inappropriately discussing patients in a public area in violation of HIPAA rules. Ms. Oliva  
26 responded by telling Plaintiff, “there you go again.”

27           57. Ms. Oliva then dealt with this serious issue (of Plaintiff having to see and  
28 interact with her abuser in common areas) by telling Plaintiff to “take the stairs” to avoid

1 being in the elevator with Dr. Heaps. Ultimately, Ms. Oliva moved Plaintiff to a desk on  
 2 another floor. She told Plaintiff she was doing so in order that Plaintiff would be farther  
 3 away from “her nightmare.” Plaintiff is informed and believes, however, that Ms. Oliva  
 4 told others in the department that she in fact moved Plaintiff to be better able to “keep an  
 5 eye on her” as she was “not doing well in the department.”

6 58. As just one other instance, Ms. Oliva made reference to the fact that  
 7 Plaintiff’s first child had been stillborn to suggest to Plaintiff that she was having mental  
 8 problems and should seek “a psych evaluation.” In other words, Ms. Oliva intentionally  
 9 referenced the most painful event in Plaintiff’s life (which still understandably causes her  
 10 tremendous distress) in order to contend that she was “crazy” because she had made a  
 11 report of sexual abuse against a prominent doctor.

12 59. On information and belief, on or about June 30, 2018, Dr. Heaps ceased  
 13 providing services to patients through UCLA Health. On information and belief, on or  
 14 about June 19, 2018, UCLA Health sent a letter, authored by Dr. Deborah Krakow, M.D.,  
 15 Professor and Chair of the Department of Obstetrics and Gynecology and Professor of  
 16 Human Genetics and Orthopedic Surgery, David Geffen School of Medicine at UCLA, to  
 17 patients of Dr. Heaps. In that letter, Dr. Krakow stated that “[i]t is with mixed emotions  
 18 that I announce the retirement of Dr. James Heaps.” At the time that UCLA Health sent  
 19 this notification letter to patients of Dr. Heaps, UCLA Health was aware of Plaintiff Doe  
 20 16’s specific allegations and of the then ongoing California Medical Board Investigation of  
 21 Dr. Heaps (initiated by another patient).

22 60. When UCLA announced Dr. Heaps’ purported “retirement” in June 2018,  
 23 Ms. Oliva again taunted Plaintiff, telling her “your nightmare is leaving.” Ms. Oliva also  
 24 told Plaintiff at that time, “you are over it; you are going to find another doctor and live a  
 25 happy life.” Ms. Oliva’s harassment and abuse of Plaintiff have continued unabated,  
 26 however, even as the Regents have given lip service to wanting to help the victims of  
 27 Dr. Heaps’ misconduct.

28 61. Ms. Oliva’s heartless taunting of Plaintiff continued even after Dr. Heaps left

1 UCLA. Earlier this year, Ms. Oliva convened a brief department meeting at which she  
2 trained the entire medical staff on patient privacy rights. During the training, Ms. Oliva  
3 explained that the medical staff should never access patient charts, including celebrity  
4 charts and even their own charts. Ms. Oliva told Plaintiff in front of the staff that that  
5 meant Plaintiff could not go into Dr. Heaps' chart, which prompted Plaintiff 's colleagues  
6 to ask, "Who is Dr. Heaps?" Ms. Oliva told the staff that Dr. Heaps was just a "random  
7 doctor." Plaintiff was very upset about Ms. Oliva's blatant taunting and, after the meeting,  
8 asked Ms. Oliva why she would mention Dr. Heaps. Ms. Oliva asked Plaintiff why she  
9 was "taking it so seriously," repeating that it was just a "random doctor."

10 62. In June 2019, after reports to the Medical Board which UCLA could not  
11 merely sweep under the rug as they had done with Plaintiff Doe 16's complaint, Dr. Heaps  
12 was charged with sexual battery and his arrest became known to the public. At that time  
13 (just two and a half months ago), Ms. Oliva saw Plaintiff reading reports of Dr. Heaps'  
14 arrest on the internet during her break. Ms. Oliva said to Plaintiff, "If he's your nightmare,  
15 why are you reading that?" When Plaintiff replied that she was happy that he had been  
16 reported, Ms. Oliva told Plaintiff that "nothing will happen to him."

17 **Ms. Oliva Continues To Harass Plaintiff, Even During Chaperone "Training"**

18 63. UCLA Health is apparently now initiating training and discussion of sexual  
19 abuse and the reporting of sexual abuse for its employees and medical staff. Plaintiff has  
20 been a part of such training, including a brief fifteen-minute internet-based "chaperone"  
21 training, consisting of five questions for employees to answer. On information and belief,  
22 those employees who successfully complete this training are given a purple badge which  
23 says "Chaperone" to wear in the presence of UCLA Health patients. Putting aside the  
24 obvious questions regarding whether such "training" is adequate in light of UCLA's  
25 systemic problems with sexual abuse, Ms. Oliva has used these tutorials as yet another  
26 means to harm and intimidate Plaintiff.

27 64. While discussing proper procedures with certain staff persons in the  
28 department (including Plaintiff), Ms. Oliva informed them that they should avoid touching

1 patients’ breasts -- even inadvertently — while taking patient vitals, such as blood  
 2 pressure. To Plaintiff’s tremendous embarrassment, Ms. Oliva singled her out during this  
 3 discussion, mockingly telling her in front of her co-workers, that she (Plaintiff) should  
 4 hold her arm out and away from her body when someone checks her blood pressure at her  
 5 own personal medical appointments because “this has happened to you in the past.”

6 **The Regents Disregard Other of Plaintiff’s Complaints about Patient Care**

7 65. Initially, Plaintiff’s job duties included preparing and administering “smart  
 8 pills” to patients based on physician orders. A smart pill is a wireless, ingestible capsule  
 9 that measures pressure, pH, and temperature data from a patient’s GI tract and wirelessly  
 10 transmits that data for review. At some point in the last few years, Plaintiff and her  
 11 colleagues were informed that a smart pill should only be provided to patients by a  
 12 physician. Notwithstanding this express directive, Ms. Oliva directed Plaintiff and her  
 13 colleagues to administer the smart pill to patients themselves.

14 66. Concerned for patient safety, Plaintiff informed UCLA Human Resources of  
 15 Ms. Oliva’s instruction. On information and belief, the Human Resources department  
 16 failed to investigate Plaintiff’s complaint or otherwise admonish those involved, including  
 17 Defendant Oliva. Indeed, Ms. Oliva continues to instruct Plaintiff and her colleagues to  
 18 administer the smart pill regardless of whether a physician is present. On information and  
 19 belief, Ms. Oliva’s actions against Plaintiff as described herein were, in part, in retaliation  
 20 for Plaintiff’s whistleblowing activity with regard to these patient care issues relating to  
 21 the administration of the “smart pill” by non-physicians, as well as her report of sexual  
 22 abuse at the hands of Dr. Heaps.

23 **Ms. Oliva Discriminates Against Plaintiff Based on her Physical Disability and**  
 24 **Retaliates Against Plaintiff For Taking Time Off Pursuant To The California Family**  
 25 **Rights Act (“CFRA”)**

26 67. In addition to the facts detailed above, Plaintiff suffers from Type 1 diabetes  
 27 and had – early on in her employment – requested time to go to needed appointments with  
 28 her endocrinologist. From the outset of her employment at UCLA Health, her supervisor,

1 Ms. Oliva, questioned her need to go to such appointments during the workday and  
 2 admonished her to see her endocrinologist during her lunch break. Ms. Oliva related that  
 3 her own family members also suffered from diabetes, but (she told Plaintiff) did not need  
 4 to see their physicians as frequently as Plaintiff was requesting. Faced with criticism from  
 5 Ms. Oliva when she went to these needed appointments (or when she occasionally needed  
 6 additional time away from work due to diabetes complications like migraine headaches), in  
 7 or about 2016, Plaintiff first availed herself of CFRA leave for short periods — and  
 8 infrequently—came in late.

9         68. In addition to the horrific retaliation and abuse which Plaintiff suffered as a  
 10 result of reporting Dr. Heaps’ sexual abuse and other patient care issues, Ms. Oliva has  
 11 repeatedly subjected Plaintiff to adverse employment actions because of her disability and  
 12 retaliated against Plaintiff for using CFRA. In fact, including as recently as in or about  
 13 March 2019, when Plaintiff came in late due to dealing with medical complications of her  
 14 diabetes, Ms. Oliva would take Plaintiff’s colleagues “off the floor,” meaning that Plaintiff  
 15 would have to handle checking in numerous patients (walking them to exam rooms, taking  
 16 patient vitals, etc.) without any assistance from her co-workers. Typically, Plaintiff and her  
 17 colleagues shared in these responsibilities.

18         69. This action of taking Plaintiff’s co-workers “off the floor” directly impacted  
 19 patient care as, without assistance from co-workers, Plaintiff had little time to devote to  
 20 each patient and the check-in process. On information and belief, this action was taken by  
 21 Ms. Oliva for no other reason than to punish Plaintiff for having a disability and for taking  
 22 CFRA time. On certain occasions when Ms. Oliva took this action and Plaintiff asked her  
 23 why Plaintiff was the only employee on the floor, Ms. Oliva told Plaintiff to just “pretend”  
 24 that other employees were not at the office that day. This repeated conduct by a  
 25 managerial employee at UCLA Health has caused Plaintiff tremendous distress as it has  
 26 created an unmanageable workload for her and sacrificed patient care as she had to rush  
 27 through patient check-in procedures.

28         70. Ms. Oliva discriminated against Plaintiff because of her disability and

1 retaliated against Plaintiff in other ways with regard to CFRA leave as well, including by:

- 2 • Harassing Plaintiff and improperly demanding an advance schedule of
- 3 when she would be taking CFRA leave, even though leave was not
- 4 always foreseeable;
- 5 • Denying Plaintiff vacation time (even when she had accrued such
- 6 vacation days), instead telling her to “take CFRA time”;
- 7 • Finding fault with her work, including making negative comments
- 8 about Plaintiff’s inbox and the condition of the supply room;
- 9 • Shadowing Plaintiff so as to make her feel uncomfortable while doing
- 10 routine tasks;
- 11 • Repeatedly asking Plaintiff why she hadn’t taken her lunch break
- 12 (even as Plaintiff was still with patients); and
- 13 • Consistently and systematically criticizing Plaintiff, even when
- 14 Plaintiff was as, or more, conscientious than her co-workers.

15 71. On one occasion, Ms. Oliva even went so far as to change Plaintiff’s

16 timecard, taking away from Plaintiff a small amount of overtime even though Plaintiff had

17 legitimately needed to stay on the clock to get a message about a patient to a physician.

18 72. On information and belief, this ongoing retaliation with regard to Plaintiff

19 Doe 16’s use of CFRA leave was also prompted – in whole or in part – by Plaintiff Doe

20 16’s report of her sexual abuse by Dr. Heaps.

21 73. Plaintiff attempted to get redress for this retaliation against her (with regard

22 to CFRA) on or about April 25, 2019 when she was given a hearing with Ms. Oliva, her

23 union representative and Nicole Conner, Human Resources Manager at UCLA Health.

24 Although Plaintiff referenced the retaliatory conduct described herein with regard to her

25 use of CFRA, she was too embarrassed (especially as her union representative is male) and

26 afraid to discuss her abuse at the hands of Dr. Heaps. She was fearful that such a further

27 report regarding Dr. Heaps would enrage Ms. Oliva or other managerial employees at

28 UCLA Health and cost Plaintiff her job. In response to her significant concerns of

1 retaliation and hostile work environment, Plaintiff was told by Ms. Conner at this hearing  
2 that she was “too sensitive” and that Ms. Oliva was “just doing her job.” In fact,  
3 Ms. Conner flatly refused to even investigate Plaintiff’s complaints, stating there was  
4 “nothing to investigate.”

5 74. The result of this sexual abuse, discrimination, retaliation, and harassment  
6 has been severe for Plaintiff. She has suffered from emotional distress and physical  
7 symptoms, including stomach problems and migraines. Plaintiff Doe 16 has twice recently  
8 had to seek medical care for chest pains. She has suffered terribly from the stress of going  
9 to work every day under threat of constant mockery and abuse and the possibility (up until  
10 his “retirement” in June 2018) of sharing common areas with an individual who repeatedly  
11 sexually abused and harassed her.

12 **THE PARTIES**

13 75. Plaintiff Jane Doe 16 currently resides in the County of Los Angeles, State of  
14 California.

15 76. Defendant UC Regents is, and at all times relevant hereto was, a California  
16 Corporation having its principal place of business in the State of California. Upon  
17 information and belief, the UC Regents is the governing body of the University of  
18 California and exercises the ultimate dominion and control of the same. UCLA is an  
19 educational institution of higher learning.

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

24 78. Defendant Ms. Oliva is, on information and belief, a resident of the County  
25 of Los Angeles, California. At all relevant times hereto, Ms. Oliva was employed by  
26 UCLA Health.

27 79. Plaintiff Doe 16 is informed and believes, and on that basis alleges, that  
28 Defendant Dr. Heaps is, and at all times relevant hereto was, an individual residing in the

1 State of California. At all times mentioned herein, Dr. Heaps was a physician licensed by  
 2 the State of California to practice medicine, and was the employee and/or agent of the UC  
 3 Regents.

4 80. All of the actions of Dr. Heaps alleged in the following causes of action were  
 5 ratified and approved by the officers or managing agents of the UC Regents. Further, the  
 6 UC Regents had notice of Dr. Heaps' unfitness in advance of his sexual battery and  
 7 harassment of Plaintiff, yet failed to take corrective action to protect Plaintiff or other  
 8 students or patients. Despite this notice, the UC Regents allowed Dr. Heaps to remain  
 9 employed and left him in a position where he could molest, batter, and harass Plaintiff Doe  
 10 16, other patients, and students.

11 81. The UC Regents condoned and ratified the conduct of Dr. Heaps by their  
 12 advance notice of Dr. Heaps' unfitness at work, by their failure to make required reports of  
 13 suspected abuse, and by their failure to take immediate corrective action to protect Plaintiff  
 14 Doe 16 and other patients (including students) from further harm after reports—and formal  
 15 California Medical Board investigations—of Dr. Heaps' sexual assault of patients.

16 82. All of the actions of Ms. Oliva, a managing agent of UC Regents, alleged in  
 17 the following causes of action were ratified and approved by the officers or other  
 18 managing agents of the UC Regents. Even after Plaintiff complained about Ms. Oliva's  
 19 unlawful conduct, the UC Regents failed to take reasonable steps to eliminate Ms. Oliva's  
 20 hostile, offensive, discriminatory and retaliatory conduct from the workplace.

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



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

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

16           86. Plaintiff Doe 16 is informed and believes, and on that basis alleges, that, in  
 17 addition to its own independent conduct, UC Regents is vicariously liable for the acts,  
 18 misconduct, and omissions—both negligent and intentional—of Dr. Heaps, Ms. Oliva and  
 19 its other employees, including but not limited to the female chaperones who were in the  
 20 examination room at the time of Dr. Heaps’ examination of Plaintiff Doe 16—as more  
 21 particularly described above, pursuant to the doctrine of *respondeat superior* and Cal.  
 22 Gov’t Code § 815.2. Furthermore, UC Regents is strictly liable for the harassing,  
 23 discriminatory and retaliatory conduct of Ms. Oliva in her capacity as a supervisor as  
 24 defined in Cal. Gov’t Code § 12926(t). Dr. Heaps, the female chaperone, and others were  
 25 acting in the course and scope of their employment at the time of the allegations herein.

26           87. Once the 90-day wait period pursuant to CCP 364 expires without resolution,  
 27 Plaintiff Doe 16 intends to amend her complaint to add a claim of professional negligence  
 28 against Defendants.

1 88. In the event that Dr. Heaps is convicted of felonies for the conduct alleged  
2 herein, Plaintiff Doe 16 requests leave to amend this Complaint, such that a request for  
3 attorneys' fees can be made against Dr. Heaps and Defendants pursuant to Code of Civil  
4 Procedure § 1021.4.

5 **JURISDICTION AND VENUE**

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

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

10 91. This Court has personal jurisdiction of Ms. Oliva as, on information and  
11 belief, she is, and at all times relevant hereto was, an individual residing the State of  
12 California.

13 92. At least some of the wrongful acts alleged herein occurred in the County of  
14 Los Angeles; thus venue is properly in the County of Los Angeles.

15 **FIRST CAUSE OF ACTION**

16 **Violations of Unruh Act (Civil Code § 51)**

17 **(Against Defendants Heaps, UC Regents, and Roes 1-20)**

18 93. Plaintiff Doe 16 incorporates Paragraphs 1 through 92 as though fully set forth  
19 herein.

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

25 95. The Defendants were acting under the color of their authority and in the  
26 scope of their employment, during the instances when Plaintiff Doe 16 was a patient at  
27 UCLA Health.

28 96. The Defendants denied Plaintiff full and equal accommodations, advantages,

1 facilities, privileges and healthcare services because of her gender, by allowing Dr. Heaps  
2 unfettered access to sexually abuse Plaintiff Doe 16, by and through his position of  
3 authority as a UCLA Health gynecologist, by actively concealing from Plaintiff the  
4 knowledge that Dr. Heaps was a serial sexual predator, which the UC Regents enabled and  
5 which conduct the UC Regents ratified.

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

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

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

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

28

1 **SECOND CAUSE OF ACTION**

2 **Violations of Bane Act (Civil Code § 52.1)**

3 **(Against Defendants Heaps, UC Regents, and Roes 1-20)**

4 101. Plaintiff Doe 16 incorporates Paragraphs 1 through 100 as though fully set  
5 forth herein.

6 102. Defendants’ actions, as alleged herein, have had and will continue to  
7 interfere with Plaintiff Doe 16’s right to be free from gender discrimination in the form of  
8 sexual harassment, codified under Cal. Civ. Code § 52.1.

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

15 104. Defendants’ wrongful conduct was intended to, and did successfully interfere  
16 with Plaintiff Doe 16’s Constitutional Rights to be free from gender discrimination and  
17 harassment, as well as interfered with her rights of Due Process under the United States’  
18 Constitution, specifically the Fifth and Fourteenth Amendments.

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

25 106. Defendants’ above-noted actions were the legal and proximate causes of  
26 physical, psychological, and emotional damages to Plaintiff Doe 16, who has suffered and  
27 continue to suffer to this day. The actions of Defendants have also resulted in Plaintiff  
28 Doe 16 incurring, and will require her to incur into the future, expenses for medical and

1 psychological treatment, therapy, and counseling.

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

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

19 109. In subjecting Plaintiff Doe 16 to the wrongful treatment herein described,  
20 Dr. Heaps acted willfully and maliciously with the intent to harm Plaintiff, and in  
21 conscious disregard of Plaintiff Doe 16's Rights, so as to constitute malice and oppression  
22 under California Civil Code section 3294. Plaintiff Doe 16 is therefore entitled to the  
23 recovery of punitive damages against Dr. Heaps, in an amount to be determined according  
24 to proof.

25 **THIRD CAUSE OF ACTION**

26 **Committing and Enabling Sexual Harassment (Civil Code § 51.9)**

27 **(Against Defendants Heaps, UC Regents, and Roes 1-20)**

28 110. Plaintiff Doe 16 incorporates Paragraphs 1 through 109 as though fully set

1 forth herein.

2 111. During Plaintiff Doe 16's time as a patient at UCLA Health, Defendants  
3 intentionally, recklessly and wantonly committed, enabled, and omitted, acts which  
4 resulted in harmful and offensive contact with intimate parts of Plaintiff Doe 16's person,  
5 including but not limited to: sexual touching and molestation during an ultrasound and  
6 pelvic procedure and the groping and fondling of Plaintiff Doe 16's breast and buttocks,  
7 which were without medical justification, all under the supervision of Defendant the UC  
8 Regents. Female chaperones who were at times in the room at the time of Plaintiff Doe  
9 16's examination by Dr. Heaps sat silently as Plaintiff Doe 16 was mistreated.

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

17 113. The incidents of abuse outlined herein took place while Plaintiff Doe 16 was  
18 under the control of Dr. Heaps and Defendant UC Regents in their capacities and positions  
19 as a physician and as supervisors of physicians, medical professionals, and other staff at  
20 Defendants' premises, and while acting specifically on behalf of Defendants' herein.

21 114. Because of Plaintiff Doe 16's relationships with Defendants, Dr. Heaps and  
22 the UC Regents (including as an employee who feared losing her job if she persisted in  
23 complaints about her sexual abuse), Dr. Heaps' status as a prominent and highly  
24 compensated gynecologist employed by the Defendant UC Regents and promoted on the  
25 UCLA Health website as a highly skilled physician, and Plaintiff Doe 16's vulnerability as  
26 a gynecological patient, Plaintiff Doe 16 was unable to easily terminate the relationship  
27 she had with the Defendants.

28 115. Because of Dr. Heaps' status, position of authority, physical seclusion of

1 Plaintiff Doe 16 and her mental and emotional state, Plaintiff was unable to, did not, and  
2 could not, give consent to such acts.

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

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

20 118. Defendants’ conduct (and the conduct of their agents, servants and/or  
21 employees) was a breach of their duties to Plaintiff Doe 16.

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

1 **FOURTH CAUSE OF ACTION**

2 **Battery**

3 **(Against Defendants Heaps, UC Regents, and Roes 1-20)**

4 120. Plaintiff Doe 16 incorporates Paragraphs 1 through 119 as though fully set  
5 forth herein.

6 121. During the course of treatment of Plaintiff Doe 16, Dr. Heaps used his  
7 powers and abilities as a physician, and his knowledge and background and access to  
8 Plaintiff Doe 16, to sexually batter Plaintiff Doe 16, knowing that she would be vulnerable  
9 to this type of sexual battery. Dr. Heaps engaged in sexual touching (including touching  
10 designed to sexually stimulate Plaintiff and gratify Dr. Heaps) during a transvaginal  
11 ultrasound and pelvic exam and the grabbing and fondling Plaintiff Doe 16's breasts and  
12 buttock, which was without medical justification.

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

18 123. Had Dr. Heaps not been in a position of power and authority over Plaintiff  
19 Doe 16 and had she not been treated by Defendants, she would have never permitted such  
20 sexual contact by Dr. Heaps, which acts (she now understands) constituted a harmful or  
21 offensive touching and battery upon her person.

22 124. Plaintiff Doe 16 did not consent to the sexualized touching and sexual  
23 contact.

24 125. 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  
27 scope of Dr. Heaps' employment at UCLA. Plaintiff suffered severe emotional distress  
28 and physical injury as a result of Dr. Heaps' misconduct and damages as otherwise alleged



1 in this complaint. In addition, at the time she was in the examination room and while they  
2 were witnessing Dr. Heaps' battery of Plaintiff Doe 16, the female chaperones were acting  
3 in the course and scope of their employment with UCLA.

4 126. 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  
7 or monitor Dr. Heaps to ensure the safety of the patients in his charge. Nor did Defendant  
8 UC 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  
10 presence of a properly trained independent chaperone, to prevent, deter and report any  
11 misconduct in the context of gynecological examinations and procedures. Defendant UC  
12 Regents also failed adequately (or at all) to train its employees and agents in how to  
13 recognize and report any sexual or medical battery or harassment. Instead, Defendant UC  
14 Regents allowed Dr. Heaps to continue to perform gynecological examinations of female  
15 patients despite knowledge that he had committed battery and sexual battery and assault in  
16 the past.

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

26 128. As a proximate result of the above, Plaintiff Doe 16 suffered damages as  
27 otherwise alleged in this Complaint.

28 129. Dr. Heaps' conduct alleged herein was despicable, and was done willfully

1 and/or with a conscious disregard of Plaintiff's rights, and/or intentionally, or maliciously,  
2 or in reckless disregard of the high probability of injury to Plaintiff and others.  
3 Defendants, and each of them, were in a special relationship with Plaintiff Doe 16 by  
4 virtue of the fact that she was a patient at UCLA Health and receiving their services.

5 130. Defendants, and each of them, further knew that Plaintiff Doe 16 was  
6 especially vulnerable and susceptible to injury by persons such as Dr. Heaps in the absence  
7 of adequate supervision, and by reason of the authority the UC Regents vested in  
8 Dr. Heaps. The UC Regents acted in conscious disregard of the rights and safety of  
9 Plaintiff by ignoring the danger posed by Dr. Heaps, and by putting him in a position of  
10 trust and authority over Plaintiff Doe 16, and failing to take proper steps to protect Plaintiff  
11 Doe 16 and other patients. It was reasonably foreseeable Plaintiff Doe 16 would receive  
12 physical injury and severe emotional distress as a result of Dr. Heaps' malfeasance.  
13 Defendant UC Regents' conduct in this regard was done with the intent to cause injury to  
14 Plaintiff Doe 16 and/or done with a conscious disregard of the rights and safety of  
15 Plaintiff.

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

22 **FIFTH CAUSE OF ACTION**

23 **Sexual Battery (Civil Code Section 1708.5)**

24 **(Against Defendants Heaps, UC Regents, and Roes 1-20)**

25 132. Plaintiff Doe 16 incorporates Paragraphs 1 through 131 as though fully set  
26 forth herein.

27 133. During Plaintiff Doe 16's time as a patient with Defendants, Dr. Heaps  
28 intentionally, recklessly, and wantonly did acts which Plaintiff Doe 16 now understands

1 were intended to, and did, result in harmful and offensive contact with intimate parts of  
2 Plaintiff Doe 16's person, including but not limited to: sexual touching (including touching  
3 designed to sexually stimulate Plaintiff and gratify Dr. Heaps) during a transvaginal  
4 ultrasound and pelvic exam and the grabbing and fondling Plaintiff Doe 16's breasts and  
5 buttock, without medical justification, all while Dr. Heaps acted in the course and scope of  
6 his employment with the UC Regents. The female chaperones who were at times in the  
7 room during the procedures and exams enabled the sexual battery and assault of Plaintiff  
8 Doe 16 by failing to reasonably perform their duties as a chaperone and failing to raise any  
9 alarms during Dr. Heaps' misconduct or take any other reasonably expected actions to  
10 prevent the harm inflicted upon Plaintiff Doe 16.

11 134. Dr. Heaps did the aforementioned acts with the intent to cause a harmful or  
12 offensive contact with an intimate part of Plaintiff Doe 16's person that would offend a  
13 reasonable sense of personal dignity. Further, said acts did cause a harmful or offensive  
14 contact with an intimate part of Plaintiff Doe 16's person that would offend a reasonable  
15 sense of personal dignity.

16 135. Had Dr. Heaps not been in a position of power and authority over Plaintiff  
17 Doe 16 and had she not been treated by Defendants, she would have never permitted such  
18 sexual contact by Dr. Heaps.

19 136. Plaintiff Doe 16 did not consent to this sexualized touching and sexual  
20 contact.

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

27 138. At the time they were in the examination room and while they were  
28 witnessing Dr. Heaps' battery of Plaintiff Doe 16, the female chaperones were acting in the

1 course and scope of their employment with UCLA.

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

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

23 141. As a proximate result of the above, Plaintiff Doe 16 suffered damages as  
24 otherwise alleged in this Complaint. As a direct, legal, and proximate result of Dr. Heaps’  
25 conduct, Plaintiff Doe 16 sustained serious and permanent injury to her person, all of his  
26 damage in an amount to be shown according to proof and within the jurisdiction of the  
27 Court.

28 ///

1 142. Plaintiff Doe 16 is informed and believes and based thereon alleges that the  
2 conduct of Dr. Heaps was oppressive, malicious, and despicable in that it was intentional  
3 and done in conscious disregard for the rights and safety of others, and was carried out  
4 with a conscious disregard of Plaintiff Doe 16's right to be free from tortious behavior,  
5 such as to constitute oppression, fraud, or malice pursuant to California Civil Code section  
6 3294, entitling Plaintiff Doe 16 to punitive damages against Dr. Heaps in an amount  
7 appropriate to punish and set an example of Dr. Heaps and send a cautionary message to  
8 others similarly situated.

9 **SIXTH CAUSE OF ACTION**

10 **Intentional Infliction of Emotional Distress**

11 **(Against All Defendants)**

12 143. Plaintiff Doe 16 incorporates Paragraphs 1 through 142 as though fully set  
13 forth herein.

14 144. The conduct of defendants UC Regents, Dr. Heaps and Ms. Oliva toward  
15 Plaintiff Doe 16, as described herein, was outrageous and extreme.

16 145. A reasonable person would not expect or tolerate the sexual harassment,  
17 exploitation, molestation, and abuse of Plaintiff Doe 16 by Dr. Heaps, nor tolerate or  
18 expect the UC Regents' and Ms. Oliva's knowledge of, callous indifference to, and  
19 harassment and retaliation for reporting the abuse. Plaintiff Doe 16 had great faith, trust,  
20 and confidence in Defendants, which, by virtue of their wrongful conduct, has now turned  
21 to fear, shame, and humiliation.

22 146. 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 16, which enabled Dr. Heaps to have access to  
25 Plaintiff Doe 16 so that he could commit wrongful sexual acts, including the conduct  
26 described herein.

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

1 stopping Dr. Heaps from committing wrongful sexual acts with patients, including Plaintiff  
2 Doe 16, or to be incapable or unwilling to supervise Dr. Heaps. A reasonable person  
3 would not expect a chaperone whose presence was supposed to ensure Plaintiff Doe 16's  
4 comfort and safety during a gynecological exam would sit idly by and not say anything  
5 while Plaintiff Doe 16 was being sexually abused by a physician. A reasonable person  
6 would not expect that UCLA would not vet its nurse/chaperones to determine whether they  
7 have criminal histories and remove them from their positions when it is clear that they  
8 have alcohol and drug dependencies. Indeed, the presence of the silent chaperone has now  
9 further exacerbated Plaintiff Doe 16's extreme embarrassment and harm as she was  
10 subjected to what she now understands to be misconduct with a silent audience.

11 148. Defendants' conduct described herein was intentional and malicious and  
12 done for the purpose of causing or with the substantial certainty that Plaintiff Doe 16  
13 would suffer humiliation, mental anguish, and emotional and physical distress.

14 149. As a result of the above-described conduct, Plaintiff Doe 16 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,  
17 disgrace, shame, humiliation, and loss of enjoyment of life; has suffered and continues to  
18 suffer and was prevented and will continue to be prevented from performing daily  
19 activities and obtaining the full enjoyment of life; and has incurred and will continue to  
20 incur expenses for medical and psychological treatment, therapy, and counseling.

21 150. In subjecting Plaintiff Doe 16 to the wrongful treatment described herein,  
22 Dr. Heaps and Ms. Oliva acted willfully and maliciously with the intent to harm Plaintiff  
23 Doe 16, and in conscious disregard of her rights, so as to constitute malice and oppression  
24 under California Civil Code section 3294. Plaintiff Doe 16 is therefore entitled to recover  
25 punitive damages against Defendant Heaps and Ms. Oliva, in an amount to be determined  
26 by the court.

27 ///

28 ///

**SEVENTH CAUSE OF ACTION**

**Negligent Infliction of Emotional Distress**

**(Against All Defendants)**

1  
2  
3  
4 151. Plaintiff Doe 16 incorporates Paragraphs 1 through 150 as though fully set  
5 forth herein.

6 152. A reasonable person would not expect or tolerate the sexual harassment,  
7 exploitation, molestation, and abuse of Plaintiff Doe 16 by Dr. Heaps, nor tolerate or  
8 expect the UC Regents’ and Ms. Oliva’s knowledge of, callous indifference to, and  
9 harassment and retaliation for reporting the abuse. Plaintiff Doe 16 had great faith, trust,  
10 and confidence in Defendants, which, by virtue of their wrongful conduct, turned to fear,  
11 shame, and humiliation.

12 153. 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  
14 other patients—in a position of care of Plaintiff Doe 16, which enabled Dr. Heaps to have  
15 access to Plaintiff Doe 16 so that he could commit wrongful sexual acts, including the  
16 conduct described herein.

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

1 silent audience.

2 155. Defendants had a special relationship with Plaintiff Doe 16 and/or had  
3 undertaken an obligation to her that necessarily implicated Plaintiff Doe 16's emotional  
4 well-being. Specifically, Defendants had a duty to take reasonable measures to prevent  
5 harm to Plaintiff Doe 16.

6 156. There was an especially likely risk that Defendants' negligent actions and  
7 inactions would cause serious emotional distress to Plaintiff Doe 16. Defendants' failure  
8 to take reasonable steps to institute safeguards to prevent sexual abuse and harassment  
9 caused Plaintiff Doe 16 tremendous harm. Defendants' negligence was a substantial factor  
10 in causing Plaintiff Doe 16 serious emotional distress.

11 **EIGHTH CAUSE OF ACTION**

12 **Negligent Supervision and Retention**

13 **(Against Defendant UC Regents)**

14 157. Plaintiff Doe 16 incorporates Paragraphs 1 through 156 as though fully set  
15 forth herein.

16 158. By virtue of Plaintiff Doe 16's special relationship with the UC Regents as a  
17 patient, and the UC Regents' relation to Dr. Heaps, Defendant owed Plaintiff Doe 16 a  
18 duty not to retain Dr. Heaps, given his dangerous and exploitative propensities, which  
19 Defendant knew or should have known about.

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

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



1 care.

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

13 162. 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  
16 in 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.

20 163. The UC Regents were put on notice (including by Plaintiff), and should have  
21 known, that Dr. Heaps had previously engaged, and continued to engage, in unlawful  
22 sexual conduct with female patients, and that it was foreseeable, or should have been  
23 foreseeable, that Dr. Heaps was engaging in, or would engage in, misconduct directed  
24 towards Plaintiff Doe 16 and others, under the protection of the authority, confidence, and  
25 trust bestowed upon him through the UC Regents, their agents, servants, and employees.

26 164. The UC Regents were placed on actual or constructive notice that Dr. Heaps  
27 had molested or was molesting female patients during his employment. Defendant had  
28 knowledge of inappropriate conduct, exploitation, and serial molestations committed by

1 Dr. Heaps during his employment, yet chose to allow him to continue to interact with  
2 patients, including Plaintiff Doe 16.

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

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

10 167. Because the UC Regents:

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

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

24 168. The UC Regents, their agents, servants, and/or employees, including  
25 Defendant Oliva, knew that Dr. Heaps was sexually exploiting, abusing, and harassing  
26 female patients and refused to take any action to stop him. Moreover, on information and  
27 belief, the UC Regents, their agents, servants, and/or employees, including Ms. Oliva, hid  
28 this information so Dr. Heaps could continue to work for UCLA, its clinics and facilities.

1 With knowledge of Dr. Heaps' sexual misconduct, no disciplinary action was taken by the  
2 UC Regents and he was allowed to continue to interact with patients, including Plaintiff  
3 Doe 16. The UC Regents, their agents, servants, and/or employees are thus responsible for  
4 Dr. Heaps' acts of sexual exploitation, sexual assault, battery, and harassment.

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

12 **NINTH CAUSE OF ACTION**

13 **Negligent Ratification**

14 **(Against Defendant UC Regents)**

15 170. Plaintiff Doe 16 incorporates Paragraphs 1 through 169 as though fully set  
16 forth herein.

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

23 172. Defendants and each of them were agents, principals, joint venturers,  
24 partners, representatives, servants, employees and/or co-conspirators of each of the other  
25 Defendants, each Defendant condoned and ratified the conduct of all other Defendants, and  
26 was at all times mentioned herein acting within the course and scope of said agency and  
27 employment, authority and ratification.

28 173. The UC Regents learned Dr. Heaps had molested or was molesting female

1 patients during his employment, including from Plaintiff Doe 16. Defendant had  
2 knowledge of inappropriate conduct, and exploitation committed by Dr. Heaps during his  
3 employment, yet chose to allow him to continue interacting with patients, including  
4 Plaintiff Doe 16.

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

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

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

19 177. Because the UC Regents:

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

1 and harassing behaviors secrets from patients and the public at large; and  
2 • Failed to employ or train appropriate nurse/chaperones or other staff who  
3 could oversee intimate examinations and/or report misbehavior.

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

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

14 179. As a result of the above-described conduct, Plaintiff Doe 16 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,  
17 disgrace, shame, humiliation, and loss of enjoyment of life; has suffered and continues to  
18 suffer and was prevented and will continue to be prevented from performing daily  
19 activities and obtaining the full enjoyment of life; and will continue to incur expenses for  
20 medical and psychological treatment, therapy, and counseling.

21 **TENTH CAUSE OF ACTION**

22 **Negligent Failure to Warn, Train, or Educate**

23 **(Against Defendant UC Regents)**

24 180. Plaintiff Doe 16 incorporates Paragraphs 1 through 179 as though fully set  
25 forth herein.

26 181. Defendant UC Regents owed Plaintiff Doe 16 a duty to take reasonable  
27 protective measures to safeguard Plaintiff and other female patients from the risk of sexual  
28 battery by Dr. Heaps by properly warning, training or educating others, including their

1 own medical personnel, medical staff, administrators, and other agents, servants, and/or  
2 employees (including chaperones and Defendant Oliva) about how to avoid such a risk and  
3 what to do when such inappropriate conduct is witnessed, reported, and/or discovered.

4 182. Defendant UC Regents breached its duty to take reasonable measures to  
5 protect Plaintiff Doe 16 and other female patients from the risk of sexual harassment and  
6 abuse by Dr. Heaps, such as the failure to properly warn, Plaintiff and other patients about  
7 Dr. Heaps.

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

13 184. 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  
16 in 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.

20 185. By breaching its duty, Defendant UC Regents unreasonably and wrongfully  
21 exposed Plaintiff Doe 16 and other patients to sexual battery and abuse.

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

**ELEVENTH CAUSE OF ACTION**

**Ordinary Negligence**

**(Against Defendants UC Regents, Ms. Oliva and Roes 1-20)**

187. Plaintiff Doe 16 incorporates Paragraphs 1 through 186 as though fully set forth herein.

188. Defendants committed the negligent acts and/or negligent failures to act, as set forth above, and those acts caused the emotional and physical harm endured by Plaintiff Doe 16.

189. Defendants owed Plaintiff a duty of care to act.

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

191. For example, the chaperones who were in the room during Dr. Heaps' sexual assault and harassment of Plaintiff Doe 16 acted negligently, in that they failed to reasonably perform their duties as a chaperone and failed to act as a reasonably prudent person. The chaperones failed to raise any alarms during Dr. Heaps' misconduct or take any other reasonably expected actions to prevent the harm inflicted on Plaintiff Doe 16, despite the fact that (a) the purpose of the chaperones was to protect Plaintiff Doe 16 and ensure that she was comfortable and safe during the gynecological visit; and (b) the chaperones was/were aware of the lack of medical necessity of Dr. Heaps' touching and questioning of Plaintiff Doe 16. Further, the chaperones did not report Dr. Heaps' misconduct. At the time they were in the examination room and while she was silently witnessing Dr. Heaps' infliction of harm to Plaintiff Doe 16, the female chaperones were acting in the course and scope of their employment with UCLA. Moreover, Ms Oliva, on information and belief, failed to act further to report the sexual misconduct and abuse which Plaintiff Doe 16 reported to her, and lulled Plaintiff Doe 16 into a belief that the conduct she was reporting was not inappropriate misconduct, thereby failing to safeguard Plaintiff Doe 16 from further abuse. Moreover, Defendant Oliva acted recklessly and negligently in harassing and retaliating against Plaintiff Doe 16 following her report of

1 abuse and of other patient care issues.

2 192. As a result of the above-described conduct, Plaintiff Doe 16 suffered and  
3 continues to suffer great pain of mind and body, shock, emotional distress, physical  
4 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace,  
5 humiliation, and loss of enjoyment of life; has suffered and continues to suffer and was  
6 prevented and will continue to be prevented from performing daily activities and obtaining  
7 the full enjoyment of life; and has incurred and will continue to incur expenses for medical  
8 and psychological treatment, therapy, and counseling.

9 **TWELFTH CAUSE OF ACTION**

10 **Gender Violence (Civil Code § 52.4)**

11 **(Against Defendants Heaps, UC Regents, and Roes 1-20)**

12 193. Plaintiff Doe 16 incorporates Paragraphs 1 through 192 as though fully set  
13 forth herein.

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

22 195. Plaintiff Doe 16 is female.

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

28 197. The UC Regents participated in the physical intrusion and/or invasion of



1 Plaintiff's body during a medical examination by either (a) the presence of chaperones or  
2 other staff members during the medical examinations; and/or (b) UCLA staff members or  
3 other personnel bringing Plaintiff into the examination room and directing her to remove  
4 her clothing, knowing that Dr. Heaps would assault her in a sexual manner; and/or (c)  
5 providing Dr. Heaps the facilities and location to assault Plaintiff in a sexual manner and  
6 touting him as an expert in gynecological care.

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

11 **THIRTEENTH CAUSE OF ACTION**

12 **Sexual Assault**

13 **(Against Defendants Heaps, UC Regents, and Roes 1-20)**

14 199. Plaintiff Doe 16 incorporates Paragraphs 1 through 198 as though fully set  
15 forth herein.

16 200. During Plaintiff's time as a patient with Defendants, Dr. Heaps intended to  
17 cause harmful or offensive contact with Plaintiff, or intended to put Plaintiff in imminent  
18 apprehension of such conduct.

19 201. In doing certain of the things herein alleged, Plaintiff was in imminent  
20 apprehension of a harmful or offensive contact by Dr. Heaps and actually believed  
21 Dr. Heaps had the ability to make harmful or offensive contact with Plaintiff.

22 202. Plaintiff did not consent to Dr. Heaps' intended harmful or offensive contact,  
23 or intent to put Plaintiff in imminent apprehension of such contact.

24 203. 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.

27 204. Plaintiff suffered severe emotional distress and physical injury as a result of  
28 Dr. Heaps' misconduct and damages as otherwise alleged in this complaint.

1           205. Even though Defendant UC Regents knew or should have known of these  
 2 pervasive, illegal and inappropriate activities by Dr. Heaps, including as a result of  
 3 Plaintiff Doe 16’s own report of misconduct, Defendant UC Regents did nothing to  
 4 investigate, supervise or monitor Dr. Heaps to ensure the safety of the patients in their  
 5 charge. Nor did Defendant put in place—or enforce—safeguards to prevent foreseeable  
 6 harm to female gynecological patients, including imposition of policy providing for the  
 7 mandatory presence of an independent and properly trained chaperone, to prevent, deter  
 8 and report any misconduct in the context of gynecological examinations and procedures,  
 9 Defendant UC Regents also failed to adequately (or at all) train its employees and agents  
 10 in how to recognize and report any sexual assault.

11           206. In doing so the acts alleged herein, Dr. Heaps used the power and authority  
 12 conferred upon him by Defendant UC Regents to get access to patients such as Plaintiff  
 13 Doe 16. It is predictable and foreseeable, given Defendants’ negligent supervision of  
 14 Dr. Heaps, and failure to put in place—or enforce—safeguards to prevent foreseeable harm  
 15 to female gynecological patients, that someone in Dr. Heaps’ position would abuse the  
 16 power and authority the UC Regents conferred upon him by engaging in assaultive  
 17 conduct. As such, Dr. Heaps’ conduct is incident to his agency with the UC Regents, so as  
 18 to be fairly attributable to them.

19           207. In doing the things herein alleged, Defendants violated Plaintiff’s rights,  
 20 pursuant to California Civil Code § 43, of protection from bodily restrain or harm, and  
 21 from personal insult. In doing the things herein alleged, Defendants violated the duty,  
 22 pursuant to California Civil Code § 1708, to abstain from injuring the person of Plaintiff or  
 23 infringing upon her rights.

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

28           209. Plaintiff Doe 16 is informed and based thereon alleges that the conduct of

1 Dr. Heaps was oppressive, malicious, and despicable in that it was intentional and done in  
2 conscious disregard for the rights and safety of others, and was carried out with a  
3 conscious disregard for Plaintiff Doe 16's right to be free from tortious behavior, such as  
4 to constitute oppression, fraud, or malice pursuant to California Civil Code section 3294,  
5 entitling Plaintiff Doe 16 to punitive damages against Dr. Heaps in an amount appropriate  
6 to punish and set an example of Dr. Heaps and send a cautionary message to others  
7 similarly situated.

8 **FOURTEENTH CAUSE OF ACTION**

9 **Unfair Business Practices (Business & Professions Code § 17200)**

10 **(Against Defendant Heaps and Roes 1-20)**

11 210. Plaintiff Doe 16 incorporates Paragraphs 1 through 209 as though fully set  
12 forth herein.

13 211. 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  
15 allowing Dr. Heaps to engage in repeated sexual abuse and harassment of patients,  
16 including Plaintiff, and by failing to take all reasonable steps to prevent such sexual abuse  
17 and harassment from occurring, including after Plaintiff Doe 16 herself made a credible  
18 report of misconduct. The unlawful, unfair and/or deceptive business practices also  
19 included failing to adequately and promptly investigate, vet, and evaluate individuals for  
20 employment with UCLA Health and the UC Regents, as well as refusing to design,  
21 implement, and oversee appropriate policies regarding sexual harassment and abuse of  
22 patients in a reasonable manner, as is customary in similar healthcare and student-active  
23 environments. Further, Plaintiff is informed and believes, and on that basis alleges, that  
24 Defendants engaged in unlawful, unfair, and/or deceptive business practices by concealing  
25 the aforementioned sexual harassment, abuse, and/or molestation in order to retain other  
26 patients who were not apprised of such misconduct.

27 212. Plaintiff is informed and believes, and on that basis alleges, that Defendants  
28 engaged in a common scheme, arrangement or plan to actively conceal allegations against

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

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

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

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

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

21 **FIFTEENTH CAUSE OF ACTION**

22 **Constructive Fraud**

23 **(Against all Defendants)**

24 217. Plaintiff Doe 16 incorporates Paragraphs 1 through 216 as though fully set  
25 forth herein.

26 218. By (a) holding Dr. Heaps out as an agent and trusted affiliate of UCLA  
27 Health, (b) allowing and encouraging Dr. Heaps to undertake the medical care of  
28 vulnerable patients such as Plaintiff; and (c) holding themselves out as a preeminent

1 healthcare facility and provider, Defendants entered into a confidential, fiduciary and  
2 special relationship with Plaintiff.

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

6 220. By virtue of their confidential, fiduciary, and special relationship with  
7 Plaintiff, Defendants owed Plaintiff a duty to:

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

19 221. On information and belief, Defendants breached their respective duties by:  
20 • failing to promptly and thoroughly investigate claims of sexual abuse  
21 or harassment against Dr. Heaps, including Plaintiff Doe 16's own  
22 report;

- 23 • failing to disclose to Plaintiff, UCLA students, and the community at  
24 large the reasons for Dr. Heaps' retirement in June 2018;
- 25 • issuing no warnings about Dr. Heaps;
- 26 • permitting Dr. Heaps to routinely examine gynecological patients  
27 either entirely unsupervised or supervised by untrained chaperones  
28 who were derelict in their duty to report Dr. Heaps;

- 1 • failing to adopt policies that mandated the use of chaperones at all
- 2 gynecological visits or properly training their chaperones;
- 3 • hiring at least one nurse/chaperone with a history of criminality and
- 4 who, on information and belief, had alcohol and prescription drug
- 5 addictions during the time in which she was rendering nurse and
- 6 chaperone services to patients, including Plaintiff Doe 16;
- 7 • continuing to assign Dr. Heaps to duties which placed him in
- 8 positions of trust and authority over other patients;
- 9 • continuing to impliedly represent that Dr. Heaps was safe and morally
- 10 fit to give medical care and provide gynecological treatment; and
- 11 • continuing to promote Dr. Heaps as a faculty member and trusted
- 12 physician on the UCLA School of Medicine website even after he had
- 13 forcibly “retired.”

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

18 223. Given her need for medical treatment, and her trust and care in Defendants,  
19 Plaintiff was vulnerable to Defendants.

20 224. At the time Defendants engaged in such suppression and acts of  
21 concealment, such acts were done for the purpose of causing Plaintiff to forebear on her  
22 rights;

23 225. Defendants’ conduct did reasonably cause Plaintiff to forebear on her rights,  
24 and Plaintiff justifiably relied upon Defendants for information about Dr. Heaps.

25 226. The misrepresentations, suppressions, and concealment of facts by  
26 Defendants were intended to and were likely to mislead Plaintiff and others to believe that  
27 Defendants had no knowledge of any misconduct by Dr. Heaps.

28 227. Defendants knew or should have known at the time they suppressed and/or

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

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

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

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

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

22 **SIXTEENTH CAUSE OF ACTION**

23 **Hostile Work Environment Harassment Based on Sex and Disability (Govt. Code §**  
24 **12940 (j))**

25 **(Against Defendant UC Regents and Ms. Oliva)**

26 232. Plaintiff Doe 16 incorporates Paragraphs 1 through 231 as though fully set  
27 forth herein.

28 233. At all times relevant herein, Plaintiff was employed by Defendant UC

1 Regents.

2 234. At all times relevant herein, Plaintiff suffered from a disability as defined in  
3 Cal. Gov't. Code § 12926(m).

4 235. At all times relevant herein, Defendant UC Regents employed one or more  
5 employees and was an employer as defined in Cal. Gov't Code § 12949(j)(4)(A).

6 236. Plaintiff Doe 16 is informed and believes, and based thereon alleges, that  
7 Ms. Oliva is, and at all relevant times was, employed as a supervisor at UC Regents as  
8 defined in Cal. Gov't. Code § 12926(t). Ms. Oliva's actions as alleged herein were taken  
9 in her individual capacity and in her capacity as a supervisor of the UC Regents.

10 237. Defendants UC Regents and Ms. Oliva subjected Plaintiff to a hostile work  
11 environment based on sex when Ms. Oliva berated, threatened, mocked and taunted  
12 Plaintiff as described above in response to her complaint about the sexual assault, battery  
13 and harassment that she suffered at the hands of Dr. Heaps.

14 238. The conduct of Defendants in subjecting Plaintiff Doe 16 to hostile,  
15 offensive and unwelcome conduct based on sex as described herein was severe or  
16 pervasive, altered Plaintiff Doe 16's conditions of employment, and created a hostile or  
17 abusive work environment.

18 239. Defendants UC Regents and Ms. Oliva subjected Plaintiff to a hostile work  
19 environment based on disability when Ms. Oliva berated, threatened and retaliated against  
20 Plaintiff for taking necessary steps to tend to her physical disability, including by going to  
21 doctor's appointments or reporting to work late due to disability-related complications.  
22 Ms. Oliva also began to over-scrutinize and find fault in Plaintiff's work whenever  
23 Plaintiff missed work to tend to her physical disability. Additionally, Ms. Oliva  
24 interrogated Plaintiff about her need for regular doctor's appointments, citing the  
25 experiences of her (Ms. Oliva's) own family members with diabetes for comparison.

26 240. The conduct of Defendants in subjecting Plaintiff Doe 16 to hostile,  
27 offensive and unwelcome conduct based on sex and disability as described herein was  
28 severe or pervasive, altered Plaintiff Doe 16's conditions of employment, and created a



1 hostile or abusive work environment. Said constitutes unlawful harassment in violation of  
2 Cal. Gov't. Code § 12940(j).

3 241. On August 29, 2019, Plaintiff filed with the California Department of Fair  
4 Employment and Housing (DFEH) a complaint charging Defendants UC Regents and  
5 Ms. Oliva with hostile work environment harassment based on sex and disability in  
6 violation of Cal. Gov't. Code § 12940(j), among other unlawful acts. On August 29, 2019,  
7 the DFEH issued to Plaintiff a right to sue letter.

8 242. As a proximate result of the above, Plaintiff suffered damages as otherwise  
9 alleged in this Complaint. As a direct, legal, and proximate result of Ms. Oliva's and UC  
10 Regents' conduct, Plaintiff sustained serious and permanent injury to her person, all of this  
11 damage in an amount to be shown according to proof and within the jurisdiction of this  
12 Court.

13 243. Plaintiff Doe 16 is informed and based thereon alleges that the conduct of  
14 Ms. Oliva was oppressive, malicious, and despicable in that it was intentional and done in  
15 conscious disregard for the rights and safety of others, and was carried out with a  
16 conscious disregard for Plaintiff Doe 16's right to be free from unlawful and tortious  
17 behavior, such as to constitute oppression, fraud, or malice pursuant to California Civil  
18 Code section 3294, entitling Plaintiff Doe 16 to punitive damages against Ms. Oliva in an  
19 amount appropriate to punish and set an example of Ms. Oliva and send a cautionary  
20 message to others similarly situated.

21 **SEVENTEENTH CAUSE OF ACTION**

22 **Discrimination Based on Disability (Govt. Code § 12940 (a))**

23 **(Against Defendant UC Regents)**

24 244. Plaintiff Doe 16 incorporates Paragraphs 1 through 243 as though fully set  
25 forth herein.

26 245. At all times relevant herein, Plaintiff was employed by Defendant UC  
27 Regents.

28 246. At all times relevant herein, Defendant UC Regents employed 5 or more

1 employees and was an employer as defined in Cal. Gov't Code § 12926(d).

2 247. At all times relevant herein, Defendant UC Regents knew that Plaintiff had a  
3 history of having a physical disability, diabetes, that limited Plaintiff's ability to engage in  
4 certain major life activities. Plaintiff was at all times able to perform the essential job  
5 duties with reasonable accommodation of her need to attend periodic doctor's  
6 appointments for her physical disability.

7 248. Defendant Ms. Oliva, in her capacity as a supervisor for UC Regents, and  
8 UC Regents subjected Plaintiff to adverse employment actions as described herein,  
9 including, but not limited to:

- 10 • Starting in or about March 2019, when Plaintiff came in late due to  
11 dealing with medical complications of her diabetes, taking Plaintiff's  
12 colleagues "off the floor," resulting in Plaintiff having to handle  
13 checking in numerous patients (walking them to exam rooms, taking  
14 patient vitals, etc.) without any assistance from her co-workers.  
15 Typically, Plaintiff and her colleagues shared in these responsibilities.  
16 This discriminatory action created an unmanageable workload for  
17 Plaintiff and sacrificed patient care as she had to rush through patient  
18 check-in procedures;
- 19 • Harassing Plaintiff about her time off and demanding an advance  
20 schedule of when Plaintiff would be taking leave for her disability,  
21 even though leave was not always foreseeable;
- 22 • Denying Plaintiff vacation time (even when she had accrued such  
23 vacation days), instead telling her to "take CFRA time";
- 24 • Finding fault with her work, including making negative comments  
25 about Plaintiff's inbox and the condition of the supply room;
- 26 • Shadowing Plaintiff so as to make her feel uncomfortable while doing  
27 routine tasks;
- 28 • Repeatedly asking her why she hadn't taken her lunch break (even as

- 1 Plaintiff was still with patients);
- 2 • Consistently and systematically criticizing Plaintiff, even when
  - 3 Plaintiff was as, or more, conscientious than her co-workers; and
  - 4 • Changing Plaintiff's timecard, taking away from Plaintiff a small
  - 5 amount of overtime even though Plaintiff had legitimately had to stay
  - 6 on the clock to get a message about a patient to a physician.

7 249. Plaintiff's physical disability was a substantial motivating reason for the  
8 adverse employment actions. Plaintiff was harmed by said actions.

9 250. The conduct of Defendants in subjecting Plaintiff to adverse employment  
10 actions based on physical disability constitutes unlawful discrimination in violation of Cal.  
11 Gov't. Code § 12940(a).

12 251. On August 29, 2019, Plaintiff filed with the DFEH a complaint charging  
13 Defendant UC Regents with discrimination based on physical disability in violation of Cal.  
14 Gov't. Code § 12940(a), among other unlawful acts. On August 29, 2019, the DFEH  
15 issued to Plaintiff a right to sue letter.

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

21 **EIGHTEENTH CAUSE OF ACTION**

22 **Retaliation for Opposing Unlawful Harassment and Discrimination (Govt. Code §**  
23 **12940(h))**

24 **(Against Defendant UC Regents)**

25 253. Plaintiff Doe 16 incorporates Paragraphs 1 through 246 as though fully set  
26 forth herein.

27 254. At all times relevant herein, Plaintiff was employed by Defendant UC  
28 Regents.

1 255. At all times relevant herein, Defendant UC Regents employed 5 or more  
2 employees and was an employer as defined in Cal. Gov't Code § 12926(a).

3 256. Plaintiff engaged in protected activity when she opposed and reported  
4 Ms. Oliva's harassing and discriminatory conduct and her retaliatory conduct in response  
5 to Plaintiff's report of Dr. Heap's sexual abuse and use of CFRA leave. In response to  
6 Plaintiff's protected activity, Ms. Oliva and UC Regents subjected Plaintiff to the adverse  
7 employment actions described above. Plaintiff was harmed by said retaliatory actions.

8 257. UC Regents conduct in taking adverse employment actions against Plaintiff  
9 in retaliation for her having opposed unlawful harassment, discrimination and retaliation  
10 constitutes unlawful retaliation in violation of FEHA. On August 29, 2019, Plaintiff filed  
11 with the DFEH a complaint charging UC Regents with retaliation in violation of Cal.  
12 Gov't. Code § 12940(h), among other unlawful acts. On August 29, 2019, the DFEH  
13 issued to Plaintiff a right to sue letter.

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

18 **NINETEENTH CAUSE OF ACTION**

19 **Failure to Prevent Harassment, Discrimination and Retaliation (Govt. Code §**  
20 **12940(k))**

21 **(Against Defendant UC Regents)**

22 259. Plaintiff Doe 16 incorporates Paragraphs 1 through 258 as though fully set  
23 forth herein.

24 260. At all times relevant herein, Plaintiff was employed by Defendant UC  
25 Regents.

26 261. As described above, Plaintiff was subjected to harassment, discrimination  
27 and retaliation in the course of her employment with UC Regents.

28 262. Defendant UC Regents failed to take all reasonable steps to prevent the

1 harassment, discrimination and retaliation. Plaintiff was harmed by Defendant UC  
2 Regents' failure to prevent such unlawful conduct.

3 263. UC Regents' failure to take all reasonable steps to prevent the harassment,  
4 discrimination and retaliation violates its obligation under FEHA. On August 29, 2019,  
5 Plaintiff filed with the DFEH a complaint charging Defendants with failure to take all  
6 reasonable steps to prevent the harassment, discrimination and retaliation in violation of  
7 the FEHA, among other unlawful acts. On August 29, 2019, the DFEH issued to Plaintiff  
8 a right to sue letter.

9 264. As a proximate result of the above, Plaintiff suffered damages as otherwise  
10 alleged in this Complaint. As a direct, legal, and proximate result of UC Regents' conduct,  
11 Plaintiff sustained serious and permanent injury to her person, all of this damage in an  
12 amount to be shown according to proof and within the jurisdiction of this Court.

13 **TWENTIETH CAUSE OF ACTION**

14 **Retaliation for Exercising Rights under CFRA (Govt. Code § 12945.2(l))**

15 **(Against Defendant UC Regents)**

16 265. Plaintiff Doe 16 incorporates Paragraphs 1 through 258 as though fully set  
17 forth herein.

18 266. At all times relevant herein, Plaintiff was employed by Defendant UC  
19 Regents.

20 267. Plaintiff is informed and believes, and based thereon alleges, that at all  
21 relevant times UC Regents employed 50 or more employees and was an employer as  
22 defined in CFRA.

23 268. At all times relevant herein, had met all service requirements and  
24 certification requirements to qualify for leave under CFRA. As described above, Plaintiff  
25 exercised her right to take intermittent leave under CFRA, in response to which Defendant  
26 Ms. Oliva, in her capacity as a supervisor for UC Regents, and UC Regents subjected  
27 Plaintiff to adverse employment actions as described herein, including, but not limited to:

- 28
- Starting in or about March 2019, when Plaintiff came in late due to

1 dealing with medical complications of her diabetes, taking Plaintiff's  
 2 colleagues "off the floor," resulting in Plaintiff having to handle  
 3 checking in numerous patients (walking them to exam rooms, taking  
 4 patient vitals, etc.) without any assistance from her co-workers.  
 5 Typically, Plaintiff and her colleagues shared in these responsibilities.  
 6 This discriminatory action created an unmanageable workload for  
 7 Plaintiff and sacrificed patient care as she had to rush through patient  
 8 check-in procedures;

- 9 • Harassing Plaintiff about her time off and demanding an advance  
 10 schedule of when Plaintiff would be taking leave for her disability,  
 11 even though leave was not always foreseeable;
- 12 • Denying Plaintiff vacation time (even when she had accrued such  
 13 vacation days), instead telling her to "take FMLA time";
- 14 • Finding fault with her work, including making negative comments  
 15 about Plaintiff's inbox and the condition of the supply room;
- 16 • Shadowing Plaintiff so as to make her feel uncomfortable while doing  
 17 routine tasks;
- 18 • Repeatedly asking her why she hadn't taken her lunch break (even as  
 19 Plaintiff was still with patients);
- 20 • Consistently and systematically criticizing Plaintiff, even when  
 21 Plaintiff was as, or more, conscientious than her co-workers; and
- 22 • Changing Plaintiff's timecard, taking away from Plaintiff a small  
 23 amount of overtime even though Plaintiff had legitimately had to stay  
 24 on the clock to get a message about a patient to a physician.

25 269. Plaintiff's exercise of her rights to leave under CFRA was a substantial  
 26 motivating reason for the adverse employment actions. Plaintiff was harmed by said  
 27 actions.

28 270. The conduct of Defendants in subjecting Plaintiff to adverse employment

1 actions because she exercised her rights under CFRA violates Cal. Gov't. Code  
2 § 12945.2(1). On August 29, 2019, Plaintiff filed with the DFEH a complaint charging UC  
3 Regents with retaliation for exercising her rights under CFRA in violation of Cal. Gov't.  
4 Code § 12945.2(1), among other unlawful acts. On August 29, 2019, the DFEH issued to  
5 Plaintiff a right to sue letter.

6 271. As a proximate result of the above conduct, Plaintiff suffered damages as  
7 otherwise alleged in this Complaint. As a direct, legal, and proximate result of UC  
8 Regents' conduct, Plaintiff sustained serious and permanent injury to her person, all of this  
9 damage in an amount to be shown according to proof and within the jurisdiction of this  
10 Court.

11 **TWENTY-FIRST CAUSE OF ACTION**

12 **Violations of the Whistleblower Act (Lab. Code § 1102.5)**

13 **(Against Defendant UC Regents)**

14 272. Plaintiff Doe 16 incorporates Paragraphs 1 through 271 as though fully set  
15 forth herein.

16 273. At all times relevant herein, Plaintiff was employed by Defendant UC  
17 Regents.

18 274. All relevant times, California Labor Code § 1102.5 was in effect and was  
19 binding on Defendant UC Regents. Section 1102.5 prohibits employers from retaliating  
20 against an employee who reports suspected illegal behavior to a person with authority over  
21 the employee or to another employee with the authority to investigate discover or correct  
22 the reported violation. Section 1102.5 also prohibits retaliation against employees because  
23 the employer believes the employee disclosed or may have disclosed information  
24 regarding illegal behavior internally or externally.

25 275. As discussed above, Plaintiff raised complaints to Ms. Oliva of unlawful  
26 conduct by Defendant Heaps. In response to the complaints, Plaintiff was retaliated  
27 against by Ms. Oliva and UC Regents in the manners described herein.

28 276. As a proximate result of the above, Plaintiff suffered damages as otherwise

1 alleged in this Complaint. As a direct, legal, and proximate result of Ms. Oliva's and UC  
2 Regents' conduct, Plaintiff sustained serious and permanent injury to her person, all of this  
3 damage in an amount to be shown according to proof and within the jurisdiction of this  
4 Court.

5 **WHEREFORE**, Plaintiff Doe 16 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 and Ms. Oliva;
- 16 7. For restitution and disgorgement; and
- 17 8. For such other and further relief as the Court may deem proper.

18  
19 DATED: September 3, 2019

THEODORA ORINGHER PC

20  
21 By: /s/ Jennifer J. McGrath

22 Jennifer J. McGrath

23 Attorney for Plaintiff JANE DOE 16  
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**DEMAND FOR TRIAL BY JURY**

Plaintiff Jane Doe 16 hereby demands a trial by jury in this action.

DATED: September 3, 2019

THEODORA ORINGHER PC

By: /s/ Jennifer J. McGrath  
Jennifer J. McGrath  
Attorney for Plaintiff JANE DOE 16

