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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**
13

14 JANE DOE 2,
15 Plaintiff,
16 vs.

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

CASE No:
[Related to Case No.19STCV20594]

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

DEMAND FOR JURY TRIAL

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28

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

5 **GENERAL ALLEGATIONS**

6 1. This case involves an egregious breach of trust and medical ethics by
7 Defendants. Plaintiff Doe 2 was a private gynecological patient at UCLA Health (“UCLA
8 Health” or “UCLA”) when she was sexually abused, molested and verbally and physically
9 harassed at the hands of serial sexual predator Defendant Dr. Heaps.

10 2. Plaintiff Doe 2 was an eighteen year old college student, seeking gynecological
11 care for the first time, when she began seeing Dr. Heaps as a patient. In July 2017, during a
12 routine transvaginal ultrasound procedure, as well during a pelvic exam, Dr. Heaps engaged in
13 medically unnecessary touching of a sexual nature. During the procedure, Dr. Heaps also
14 made grossly inappropriate and humiliating comments about Plaintiff Doe 2’s physical
15 anatomy (including luridly comparing her anatomy to that of other women), some of which
16 were couched as “compliments” about her intimate body parts. Dr. Heaps also asked Plaintiff
17 Doe 2 embarrassing, non-medical questions about her personal life and sex life. Both during
18 and after the procedure, Dr. Heaps made certain comments to Plaintiff Doe 2 more akin to
19 those that would be made by a romantic partner and not those that ever would, or should, be
20 made by a clinician. Alone in a darkened exam room with Dr. Heaps during the invasive
21 ultrasound procedure, Plaintiff Doe 2 felt trapped and fearful.

22 3. Dr. Heaps’ conduct was a gross violation of the trust between the physician and
23 his young patient. This is especially true as every gynecological patient is, of course, at her
24 most vulnerable during examination of her intimate body parts and should be able to trust that
25 she will be treated at all times with dignity and in a nonsexual and medically appropriate
26 manner. Plaintiff Doe 2 was highly traumatized by Dr. Heaps’ assault and humiliated and
27 confused by his verbal comments and harassment. Not surprisingly, however, given her age
28 and lack of knowledge regarding what is appropriate gynecological care, only when she later

1 sought treatment from another physician did she fully realize the wrongfulness of Dr. Heaps’
2 actions and words.

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

11 5. Perhaps because of the millions of dollars in income that he generated for UCLA
12 and the fact that he had powerful patients and was celebrated in the community (as recent
13 times have made apparent that sexual predators so often are), Defendant UC Regents wholly
14 failed to protect Plaintiff Doe 2 or other vulnerable women from Dr. Heaps.

15 6. In fact, UCLA allowed Dr. Heaps to continue to examine female gynecological
16 patients despite a history of similar complaints of misconduct and abuse, including (1) a
17 California Medical Board investigation in 2014 (at or near the time that UCLA apparently
18 acquired Dr. Heaps’ practice), which on information and belief involved allegations of sexual
19 misconduct during a patient examination; and (2) at least one claim that he sexually harassed
20 and molested a UCLA student that was posted online in a public forum in early 2015. UCLA
21 chose to ratify Dr. Heaps’ conduct, allowing him to continue practicing and seeing patients
22 uninterrupted. Those patients – likely hundreds in number—were seeking routine care and
23 were unwittingly exposed to a serious threat of lasting harm.

24 7. In addition, on information and belief, UCLA did not even institute basic
25 protections in order to prevent sexual abuse of patients, including having independent,
26 qualified, and trained chaperones present during examinations and/or, if any such protocols
27 were in place, UCLA’s employees did not follow such protocols. Nor, on information and
28 belief, did UCLA train or supervise its employees so as to make them aware of how to

1 intervene should any medically unnecessary or inappropriate conduct occur, nor how to report
2 such misconduct. No chaperone was present during the July 2017 incident involving Jane
3 Doe 2.

4 8. On information and belief, in or about late June 2018, Dr. Heaps was forced to
5 resign. UCLA, however, chose to protect itself and Dr. Heaps and keep incidents of sexual
6 misconduct relating to Dr. Heaps under wraps. In or about mid-June 2018, UCLA sent a letter
7 to patients of Dr. Heaps, stating that “it is with mixed emotions” that UCLA announces Dr.
8 Heaps’ “retirement.” UCLA then continued to feature Dr. Heaps on the webpages of UCLA
9 Health and of the David Geffen School of Medicine for nearly a year following, allowing Dr.
10 Heaps and UCLA to save face in the community, a community unwittingly exposed to a
11 sexual predator by Defendants.

12 9. Every woman should—of course—at all times be protected from sexual assault
13 and harassment; to be clear, however, Plaintiff Doe 2 is not one of Dr. Heaps’ powerful
14 Hollywood patients. She was, and is a young student, just starting out in life and working two
15 jobs, haunted by memories and flashbacks of an assault and harassment by Dr. Heaps.

16 10. Dr. Heaps’ actions and the inaction of the UC Regents and its employees (both
17 before and after Plaintiff’s horrific encounter with Dr. Heaps as described herein), have caused
18 Plaintiff Doe 2 tremendous and lasting harm, including feelings of fear and powerlessness,
19 symptoms of post-traumatic stress disorder, and other physical and emotional manifestations
20 of the severe emotional distress that she has suffered.

21 11. Dr. Heaps has now been arrested and charged with three felony counts,
22 including in connection with alleged sexual battery of two of his former patients. When Dr.
23 Heaps was arrested, and publicity with regard to his misconduct was all but inevitable, the UC
24 Regents changed course, then issuing a public statement contending that Dr. Heaps was
25 “terminated” and that UCLA has purportedly taken corrective action. This is a far cry from
26 the previous communication to patients announcing Dr. Heaps’ “retirement,” a
27 communication that failed to alert the community to his misconduct or offer any assistance or
28 support to Plaintiff Doe 2 or other victims.

1 **BACKGROUND FACTS**

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

3 12. Upon information and belief, beginning in the early 1990s, Dr. Heaps was in
4 private practice as an OBGYN at an office located at 100 Medical Plaza in Westwood. On
5 further information and belief, in or about February 2014, Dr. Heaps’ private practice was
6 acquired by the UC Regents and Dr. Heaps was hired by the UC Regents as a full-time
7 gynecologist at UCLA Health, with a purported specialty in gynecologic oncology.

8 13. In that role, on information and belief, Dr. Heaps continued to provide
9 gynecological services to women, including Plaintiff Doe 2, at his office located at 100
10 Medical Plaza in Westwood. On further information and belief, Dr. Heaps had privileges at
11 Ronald Reagan UCLA Medical Center from 1988 to 2018, where he performed procedures
12 and provided services to hospitalized female patients. On further information and belief, Dr.
13 Heaps was a professor at the University of California Los Angeles David Geffen School of
14 Medicine.

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

20 15. At all times herein alleged, Dr. Heaps was an agent, servant, and/or employee of
21 Defendant UC Regents and its medical clinics, facilities, and locations, and/or was under its
22 complete control and/or direct supervision. It was through this position of access, trust, and
23 authority that Dr. Heaps sexually exploited and abused Plaintiff Doe 2.

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

25 16. UCLA holds itself out as a provider of high quality medical care for women,
26 stating on the UCLA Health website that it is one of the “premier providers of modern
27 medicine to the Los Angeles area and the nation” and that its Obstetrics and Gynecology
28 department is “dedicated to providing comprehensive and personal care for women.” UCLA

1 also publicly touts its purported “serious commitment to addressing and preventing sexual
2 violence and sexual harassment.”

3 17. During Dr. Heaps’ tenure at UCLA, however, Plaintiff is informed and believes,
4 and on this basis alleges, that Dr. Heaps sexually abused and molested a number of his female
5 patients, including Plaintiff Doe 2, through the use of his position and authority as a full-time
6 gynecologist employed by the UC Regents.

7 18. It is unknown to Plaintiff Doe 2 what background information the UC Regents
8 sought from Dr. Heaps in advance of his being hired at UCLA (and his practice acquired by
9 the UC Regents) in or about February 2014. It is unclear whether the UC Regents did any
10 independent investigation of Dr. Heaps or his background when they sought to employ him to
11 provide gynecological services to female patients at his UCLA Health office and at Ronald
12 Reagan UCLA Medical Center.

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

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

1 later, I still feel violated.”

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

8 **Plaintiff Doe 2 Is Sexually Battered and Harassed by Dr. Heaps**

9 **During a Routine Gynecological Procedure**

10 22. Several years after the reported incidents detailed above, and only weeks after
11 her eighteenth birthday, Plaintiff Doe 2 sought gynecological care (for the first time in her
12 life) at the office of Dr. Heaps. On two occasions, on or about September 23 and October 18,
13 2016, Plaintiff Doe 2 was treated by Carla V. Saldibar, who was, on information and belief a
14 Physician’s Assistant providing services at Dr. Heaps’ office. On or about May 10, 2017,
15 Plaintiff Doe 2 was first seen by Dr. Heaps. During this visit, Dr. Heaps made Plaintiff Doe 2
16 feel comfortable and garnered her trust and confidence in his professionalism and medical
17 skills.

18 23. On or about July 13, 2017, Plaintiff Doe 2 had a second appointment with Dr.
19 Heaps. At that appointment, Dr. Heaps performed a transvaginal ultrasound, a routine
20 procedure which involves the insertion into the vagina of an ultrasound wave-producing
21 device, called a transducer, to produce images of the organs in the pelvic region.

22 24. During the ultrasound, Dr. Heaps engaged in grossly inappropriate and
23 unprofessional conduct towards Plaintiff Doe 2, including: sexual touching of her genitals.
24 Dr. Heaps also engaged in inappropriate touching during a pelvic examination of Plaintiff
25 Doe 2. Both during and after the ultrasound, Dr. Heaps made inappropriate comments of a
26 sexual nature to Plaintiff Doe 2, including comparing her anatomy to that of other women he
27 had “seen” and making other comments about her anatomy. Dr. Heaps couched certain of
28 his comments as “compliments” about Plaintiff Doe 2’s intimate body parts. Dr. Heaps also

1 asked Plaintiff Doe 2 non-medically relevant questions about her personal and sex life.
2 These comments and questions, especially in light of the fact that this verbal harassment
3 happened simultaneously with physical sexual abuse, caused Plaintiff Doe 2 tremendous
4 upset, embarrassment and induced long-lasting feelings of shame. Dr. Heaps' conduct was
5 sexual in nature and constituted sexual battery, sexual harassment and other civil wrongs
6 detailed herein.

7 25. Plaintiff Doe 2 was forced to endure this mistreatment, abuse and harassment
8 while alone with Dr. Heaps in a darkened exam room in which Dr. Heaps was performing the
9 invasive ultrasound procedure. As a result, Plaintiff Doe 2 felt extreme anxiety and fear
10 during the time in which the incident was occurring and has experienced ongoing distress in
11 the months and years following. Plaintiff Doe 2 later sought therapy to help her process and
12 deal with the trauma of the events described herein.

13 26. Plaintiff Doe 2 did not make a report of this abuse and harassment because of
14 her overwhelming feelings of shame and humiliation, as well her lack of full understanding of
15 what conduct and communications were appropriate during the course of a gynecological
16 examination or procedure. Being only eighteen years old and having no experience with
17 gynecologists, gynecological exams or procedures, Plaintiff Doe 2 did not know or understand
18 the full extent to which Dr. Heaps had violated her trust and his obligations to provide her
19 medically appropriate care.

20 27. In or about August 2017, Plaintiff Doe 2 again sought gynecological care. Not
21 wanting to return to Dr. Heaps' office for treatment, she underwent an examination at an
22 urgent care office unaffiliated with UCLA. The physician who performed that examination
23 did so in a clinically appropriate manner and was accompanied at all times by a female nurse
24 , who acted as a chaperone. At that time, Plaintiff more fully realized that the treatment she
25 had received at her July 2017 appointment with Dr. Heaps was inappropriate and that neither
26 his conduct nor his verbal comments (including "compliments" about her intimate body
27 parts) and questions to her were medically necessary. That further realization brought with
28 it new and additional feelings of distress, anger, shame, embarrassment and anxiety that

1 haunt Plaintiff Doe 2 to this day.

2 28. On information and belief, UCLA did not have in place a policy that mandated
3 the presence of an independent and trained chaperone during intimate gynecological
4 examinations. If such a policy was in place at the time of Dr. Heaps sexual misconduct
5 towards Plaintiff Doe 2, it was not followed by UCLA nor its employees, including Dr. Heaps.
6 Rather, eighteen year old Plaintiff Doe 2 found herself alone in an exam room with Dr. Heaps
7 while he touched her inappropriately and made lascivious comments to her.

8 29. On further information and belief, in or about early December 2017, another
9 female patient of Dr. Heaps alleged sexual misconduct of a similar nature against Dr. Heaps
10 and made a report to UCLA. Plaintiff Doe 2 is likewise informed and believes that at some
11 point in early or mid-2018, the California Medical Board initiated an investigation of similar
12 claims of misconduct against Dr. Heaps.

13 30. On further information and belief, on or about June 30, 2018, Dr. Heaps ceased
14 providing services to patients through UCLA Health. On information and belief, on or
15 about, June 19, 2018, UCLA Health sent a letter, authored by Dr. Deborah Krakow, MD,
16 Professor and Chair of the Department of Obstetrics and Gynecology and Professor of
17 Human Genetics and Orthopedic Surgery, David Geffen School of Medicine at UCLA, to
18 patients of Dr. Heaps. In that letter, Dr. Krakow stated that “[i]t is with mixed emotions that
19 I announce the retirement of Dr. James Heaps” (the “Announcement”). At the time that
20 UCLA Health sent the Announcement to patients of Dr. Heaps, UCLA Health was aware of
21 specific allegations against Dr. Heaps made by another patient and of the then-ongoing
22 California Medical Board Investigation of Dr. Heaps.

23 31. Plaintiff Doe received this letter in or about June 2018. The letter did not
24 explain what were, on information and belief, the true circumstances surrounding the
25 departure of Dr. Heaps from his UCLA practice, i.e., his forced retirement following
26 investigation of sexual misconduct allegations. As a result, the Announcement failed to alert
27 Plaintiff Doe 2 that her fears that Dr. Heaps had acted in an improper manner towards her
28 were legitimate or offer her any support or assistance.

1 37. Defendant UC Regents is, and at all times relevant hereto was, a California
2 Corporation having its principal place of business in the State of California. Upon information
3 and belief, the UC Regents is the governing body of the University of California and exercises
4 the ultimate dominion and control of the same.

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

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

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

19 41. Plaintiff Doe 2 is informed and believes, and based thereon alleges, that at all
20 times relevant each of the defendants, including the Roe Defendants, was the agent, employee,
21 manager, supervisor, owner, servant and joint venturer of each of the remaining Defendants
22 and that in doing the things alleged, was acting within the course, scope and authority of such
23 agency, employment, supervision, management, ownership and joint venture, and with the
24 consent and permission of each of the other Defendants. Unless otherwise indicated, all
25 Defendants, including the Roe Defendants, are collectively referred to herein as the
26 “Defendants.”

27 42. Plaintiff Doe 2 is informed and believes, and on that basis alleges, that, in
28 addition to its own independent conduct, UC Regents is vicariously liable for the acts,

1 misconduct, and omissions—both negligent and intentional—of Dr. Heaps and its other
2 employees, as more particularly described above, pursuant to the doctrine of *respondeat*
3 *superior* and Cal. Gov’t Code § 815.2. Dr. Heaps and others were acting in the course and
4 scope of their employment at the time of the allegations herein.

5 43. Once the 90 day wait period pursuant to CCP § 364 expires without resolution,
6 Plaintiff Doe 2 intends to amend her complaint to add a claim of professional negligence
7 against Defendants.

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

12 **JURISDICTION AND VENUE**

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

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

17 47. At least some of the wrongful acts alleged herein occurred in the County of Los
18 Angeles; thus venue is properly in the County of Los Angeles.

19 **FIRST CAUSE OF ACTION**

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

21 48. Plaintiff Doe 2 incorporates Paragraphs 1 through 47 as though fully set forth
22 herein.

23 49. Plaintiff Doe 2’s civil rights were violated by Defendants when they abused and
24 harassed Plaintiff Doe 2 and when they intentionally and fraudulently concealed complaints of
25 sexual exploitation, sexual abuse, sexual harassment and molestation by Dr. Heaps from
26 Plaintiff Doe 2, as well as other patients. Plaintiff had a right to be free from gender
27 discrimination, sexual molestation, abuse and harassment under the Unruh Civil Rights Act.

28 50. The Defendants were acting under the color of their authority and in the scope of

1 their employment, during the instances when Plaintiff Doe 2 was a patient at UCLA Health.

2 51. The Defendants denied Plaintiff full and equal accommodations, advantages,
3 facilities, privileges and healthcare services because of her gender, by allowing Dr. Heaps
4 unfettered access to sexually abuse and harass Plaintiff Doe 2, by and through his position of
5 authority as a UCLA Health gynecologist, by actively concealing from Plaintiff the knowledge
6 that Dr. Heaps was a serial sexual predator, which the UC Regents enabled and which conduct
7 the UC Regents ratified.

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

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

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

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

1 **SECOND CAUSE OF ACTION**

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

3 56. Plaintiff Doe 2 incorporates Paragraphs 1 through 55 as though fully set forth
4 herein.

5 57. Defendants’ actions, as alleged herein, have had and will continue to interfere
6 with Plaintiff Doe 2’s right to be free from gender discrimination in the form of sexual
7 harassment, codified under Cal. Civ. Code § 52.1.

8 58. During Plaintiff Doe 2’s time as a patient at UCLA Health, Defendants engaged
9 in oppressive and unlawful tactics in abusing and harassing Plaintiff Doe 2, as well as
10 ignoring, concealing, and suppressing Plaintiff Doe 2’s and other patient’s complaints of being
11 sexually exploited and abused by Dr. Heaps. Plaintiff was threatened, intimidated and coerced
12 by Dr. Heaps’ intimidating and humiliating conduct during her assault, as well as the
13 conspiratorial silence and inaction of UCLA Health’s staff. These intentional acts of
14 concealment of Dr. Heaps’ abusive behavior violated Plaintiff Doe 2’s right to be free from
15 discrimination on the basis of her gender, under Cal. Civ. Code § 52.1.

16 59. Defendants’ wrongful conduct was intended to, and did successfully interfere
17 with Plaintiff Doe 2’s Constitutional Rights to be free from gender discrimination and
18 harassment, as well as interfered with her rights of Due Process under the United States’
19 Constitution, specifically the Fifth and Fourteenth Amendments.

20 60. Defendants unlawfully and wrongfully used, or employed others to wrongfully
21 use, threats, intimidation, harassment, violence, and coercion over Plaintiff’s person, to which
22 Plaintiff had no relief except to submit to the Defendants’ wrongful threats, intimidation,
23 harassment, violence, and coercion, which rendered Plaintiff’s submission involuntary.

24 61. Defendants’ above-noted actions were the legal and proximate causes of
25 physical, psychological, and emotional damages, and damage to Plaintiff Doe 2, who has
26 suffered and continue to suffer to this day. The actions of Defendants have also resulted in
27 Plaintiff Doe 2 incurring, and will require her to incur into the future, expenses for medical
28 and psychological treatment, therapy, and counseling.

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

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

18 64. In subjecting Plaintiff Doe 2 to the wrongful treatment herein described, Dr.
19 Heaps acted willfully and maliciously with the intent to harm Plaintiff, and in conscious
20 disregard of Plaintiff Doe 2's Rights, so as to constitute malice and oppression under
21 California Civil Code section 3294. Plaintiff Doe 2 is therefore entitled to the recovery of
22 punitive damages against Dr. Heaps, in an amount to be determined according to proof.

23 **THIRD CAUSE OF ACTION**

24 **(Committing and Enabling Sexual Harassment against All Defendants:**
25 **Civil Code § 51.9)**

26 65. Plaintiff Doe 2 incorporates Paragraphs 1 through 64 as though fully set forth
27 herein.

28 66. During Plaintiff Doe 2's time as a patient at UCLA Health, Defendants

1 intentionally, recklessly and wantonly committed, enabled, and omitted, acts which resulted in
2 harmful and offensive contact with intimate parts of Plaintiff Doe 2's person, including but not
3 limited to sexual touching and molestation during a pelvic exam and procedure, without
4 medical justification, all under the supervision of Defendant the UC Regents.

5 67. During Plaintiff Doe 2's time as a patient at UCLA Health, Defendants also
6 intentionally, recklessly and wantonly made, and enabled, sexual and exploitative statements
7 and questions of a prurient nature, based on Plaintiff's gender that were unwelcome, pervasive
8 and severe, all under the supervision of Defendant the UC Regents.

9 68. The incidents of abuse outlined herein took place while Plaintiff Doe 2 was
10 under the control of Dr. Heaps and Defendant UC Regents in their capacities and positions as
11 a physician and as supervisors of physicians, medical professionals, and other staff at
12 Defendants' premises, and while acting specifically on behalf of Defendants' herein.

13 69. Because of Plaintiff Doe 2's relationships with Defendants Dr. Heaps and the
14 UC Regents, Dr. Heaps' status as a prominent and highly compensated gynecologist employed
15 by the Defendant UC Regents and promoted on the UCLA Health website as a highly skilled
16 physician, and Plaintiff Doe 2's vulnerability as a gynecological patient, Plaintiff Doe 2 was
17 unable to easily terminate the relationship she had with the Defendants.

18 70. Because of Dr. Heaps' status, position of authority, physical seclusion of
19 Plaintiff Doe 2, her mental and emotional state, vulnerable position and fear that she would be
20 harmed, she was unable to, did not, and could not, give consent to such acts.

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

1 how to recognize and report any sexual or medical battery or harassment.

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

9 73. Defendants’ conduct (and the conduct of their agents, servants and/or
10 employees) was a breach of their duties to Plaintiff Doe 2.

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

18 **FOURTH CAUSE OF ACTION**

19 **(Battery against All Defendants)**

20 75. Plaintiff Doe 2 incorporates Paragraphs 1 through 74 as though fully set forth
21 herein.

22 76. During the course of treatment of Plaintiff Doe 2, Dr. Heaps used his powers and
23 abilities as a physician, and his knowledge and background and access to Plaintiff Doe 2, to
24 sexually assault Plaintiff Doe 2, knowing that she would be vulnerable to this type of sexual
25 assault. Dr. Heaps engaged in sexual touching of her genitals during a routine ultrasound
26 procedure and pelvic examination.

27 77. Had Dr. Heaps not been in a position of power and authority over Plaintiff Doe 2
28 and had she not been treated by Defendants, she would have never permitted such sexual

1 contact by Dr. Heaps, which acts constituted a harmful or offensive touching and battery upon
2 her person.

3 78. Plaintiff Doe 2 did not consent to the sexualized touching and sexual contact.

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

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

19 81. In doing the acts alleged herein, Dr. Heaps used the power and authority
20 conferred upon him by Defendants the UC Regents to get access to patients such as Plaintiff
21 Doe 2. It is predictable and foreseeable, given Defendants' negligent supervision of Dr.
22 Heaps, and failure to put in place—or enforce—safeguards to prevent foreseeable harm to
23 female gynecological patients, that someone in Dr. Heaps' position would abuse the power
24 and authority the UC Regents conferred upon him by engaging in assaultive conduct. As
25 such, Dr. Heaps' conduct is incident to his agency with the UC Regents, so as to be fairly
26 attributable to them.

27 82. As a proximate result of the above, Plaintiff Doe 2 suffered damages as
28 otherwise alleged in this Complaint.

1 83. Dr. Heaps’ conduct alleged herein was despicable, and was done willfully and/or
 2 with a conscious disregard of Plaintiff’s Rights, and/or intentionally, or maliciously, or in
 3 reckless disregard of the high probability of injury to Plaintiff and others. Defendants, and
 4 each of them, were in a special relationship with Plaintiff Doe 2 by virtue of the fact that she
 5 was a patient at UCLA Health and receiving their services.

6 84. Defendants, and each of them, further knew that Plaintiff Doe 2 was especially
 7 vulnerable and susceptible to injury by persons such as Dr. Heaps in the absence of adequate
 8 supervision, and by reason of the authority the UC Regents vested in Dr. Heaps. The UC
 9 Regents acted in conscious disregard of the rights and safety of Plaintiff by ignoring the
 10 danger posed by Dr. Heaps, and by putting him in a position of trust and authority over
 11 Plaintiff Doe 2, and failing to take proper steps to protect Plaintiff Doe 2 and other patients. It
 12 was reasonably foreseeable Plaintiff Doe 2 would receive physical injury and severe
 13 emotional distress as a result of Dr. Heaps’ malfeasance. Defendant UC Regents’ conduct in
 14 this regard was done with the intent to cause injury to Plaintiff Doe 2 and/or done with a
 15 conscious disregard of the rights and safety of Plaintiff.

16 85. In subjecting Plaintiff Doe 2 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 2’s Rights, so as to constitute malice and oppression
 19 under California Civil Code section 3294. Plaintiff Doe 2 is therefore entitled to the recovery
 20 of punitive damages against Defendant Heaps, in an amount to be determined according to
 21 proof.

FIFTH CAUSE OF ACTION

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

24 86. Plaintiff Doe 2 incorporates Paragraphs 1 through 85 as though fully set forth
 25 herein.

26 87. During Plaintiff Doe 2’s time as a patient with Defendants, Dr. Heaps
 27 intentionally, recklessly, and wantonly did acts which were intended to, and did, result in
 28 harmful and offensive contact with intimate parts of Plaintiff Doe 2’s person, including but not

1 limited to, sexual touching of her genitals during a routine ultrasound procedure and pelvic
2 examination, without medical justification, all while Dr. Heaps acted in the course and scope
3 of his employment with the UC Regents.

4 88. Dr. Heaps did the aforementioned acts with the intent to cause a harmful or
5 offensive contact with an intimate part of Plaintiff Doe 2's person that would offend a
6 reasonable sense of personal dignity. Further, said acts did cause a harmful or offensive
7 contact with an intimate part of Plaintiff Doe 2's person that would offend a reasonable sense
8 of personal dignity.

9 89. Had Dr. Heaps not been in a position of power and authority over Plaintiff Doe 2
10 and had she not been treated by Defendants, she would have never permitted such sexual
11 contact by Dr. Heaps.

12 90. Plaintiff Doe 2 did not consent to this sexualized touching and sexual contact.

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

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

28 93. In doing the acts alleged herein, Dr. Heaps used the power and authority

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

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

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

19 **SIXTH CAUSE OF ACTION**

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

21 96. Plaintiff Doe 2 incorporates Paragraphs 1 through 95 as though fully set forth
22 herein.

23 97. The conduct of defendants UC Regents and Dr. Heaps toward Plaintiff Doe 2, as
24 described herein, was outrageous and extreme.

25 98. A reasonable person would not expect or tolerate the sexual harassment,
26 exploitation, molestation, and abuse of Plaintiff Doe 2 by Dr. Heaps, nor tolerate or expect the
27 UC Regents’ knowledge of, and callous indifference to, the abuse. Plaintiff Doe 2 had great
28 faith, trust, and confidence in Defendants, which, by virtue of their wrongful conduct, turned

1 to fear, shame, and humiliation.

2 99. A reasonable person would not expect or tolerate the UC Regents placing
3 Dr. Heaps—who was known to the UC Regents to have physically and sexually abused other
4 patients—in a position of care of Plaintiff Doe 2, which enabled Dr. Heaps to have access to
5 Plaintiff Doe 2 so that he could commit wrongful sexual acts and harassment, including the
6 conduct described herein.

7 100. A reasonable person would not expect or tolerate the Defendants, their agents,
8 servants, and/or employees to be incapable of supervising, preventing, and stopping Dr. Heaps
9 from committing wrongful sexual acts with, and harassing, patients, including Plaintiff Doe 2,
10 or to be incapable or unwilling to supervise Dr. Heaps.

11 101. Defendants’ conduct described herein was intentional and malicious and done
12 for the purpose of causing or with the substantial certainty that Plaintiff Doe 2 would suffer
13 humiliation, mental anguish, and emotional and physical distress.

14 102. As a result of the above-described conduct, Plaintiff Doe 2 has suffered and
15 continues to suffer great pain of mind and body, shock, emotional distress, physical
16 manifestations of emotional distress including embarrassment, loss of self-esteem, disgrace,
17 shame, humiliation, and loss of enjoyment of life; have suffered and continue to suffer and
18 were prevented and will continue to be prevented from performing daily activities and
19 obtaining the full enjoyment of life; and has incurred and will continue to incur expenses for
20 medical and psychological treatment, therapy, and counseling.

21 103. In subjecting Plaintiff Doe 2 to the wrongful treatment described herein, Dr.
22 Heaps acted willfully and maliciously with the intent to harm Plaintiff Doe 2, and in conscious
23 disregard of her rights, so as to constitute malice and oppression under California Civil Code
24 section 3294. Plaintiff Doe 2 is therefore entitled to recover punitive damages against
25 Defendant Heaps, in an amount to be determined by the court.

26 **SEVENTH CAUSE OF ACTION**

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

28 104. Plaintiff Doe 2 incorporates Paragraphs 1 through 103 as though fully set forth

1 herein.

2 105. A reasonable person would not expect or tolerate the sexual harassment,
3 exploitation, molestation, and abuse of Plaintiff Doe 2 by Dr. Heaps, nor tolerate or expect the
4 UC Regents' knowledge of and callous indifference to the abuse. Plaintiff Doe 2 had great
5 faith, trust, and confidence in Defendants, which, by virtue of their wrongful conduct, turned
6 to fear, shame, and humiliation.

7 106. A reasonable person would not expect or tolerate the UC Regents placing Dr.
8 Heaps—who was known to the UC Regents to have physically and sexually abused other
9 patients—in a position of care of Plaintiff Doe 2, which enabled Dr. Heaps to have access to
10 Plaintiff Doe 2 so that he could commit wrongful sexual acts and sexual harassment, including
11 the conduct described herein.

12 107. A reasonable person would not expect or tolerate the Defendants, their agents,
13 servants, and/or employees to be incapable of supervising, preventing, and stopping Dr. Heaps
14 from committing wrongful sexual acts with patients, including Plaintiff Doe 2, or to be
15 incapable or unwilling to supervise Dr. Heaps.

16 108. Defendants had a special relationship with Plaintiff Doe 2 and/or had undertaken
17 an obligation to her that necessarily implicated Plaintiff Doe 2's emotional well-being.
18 Specifically, Defendants had a duty to (1) take reasonable measures to prevent harm to
19 Plaintiff Doe 2 and (2) to promptly, adequately, reliably, fairly, and impartially investigate and
20 resolve known complaints against Dr. Heaps, and thereby to protect Plaintiff Doe 2 from Dr.
21 Heaps.

22 109. There was an especially likely risk that Defendants' negligent actions and
23 inactions would cause serious emotional distress to Plaintiff Doe 2. Defendants' failure to
24 take reasonable steps to institute safeguards to prevent sexual abuse and harassment caused
25 Plaintiff Doe 2 tremendous harm. In addition, Defendants' failure to promptly, adequately,
26 reliably, fairly, and impartially investigate and resolve Plaintiff Doe 2's complaint was likely
27 to cause her to continue to feel unsafe, demeaned, and harassed, and to subject her to further
28 abuse from her attacker by sending the message that her sexual abuse and harassment would

1 not be taken seriously.

2 110. Defendants' negligence was a substantial factor in causing Plaintiff Doe 2
3 serious emotional distress.

4 **EIGHTH CAUSE OF ACTION**

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

6 111. Plaintiff Doe 2 incorporates Paragraphs 1 through 110 as though fully set forth
7 herein.

8 112. By virtue of Plaintiff Doe 2's special relationship with the UC Regents as a
9 patient, and the UC Regents' relation to Dr. Heaps, Defendants owed Plaintiff Doe 2 a duty
10 not to retain Dr. Heaps, given his dangerous and exploitative propensities, which Defendants
11 knew or should have known about.

12 113. Defendants expressly and implicitly represented that Dr. Heaps was a legitimate
13 gynecologist, and not a sexual threat to his female patients. As discussed throughout, Dr.
14 Heaps was well-compensated (a fact that was publically reported) and was acclaimed on
15 UCLA's website as a highly skilled and professional physician.

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

21 115. The UC Regents were aware, or should have been aware, and understood how
22 vulnerable gynecological patients were to sexual harassment, sexual exploitation, molestation,
23 and abuse by physicians and other persons of authority within the control of the UC Regents
24 prior to Plaintiff Doe 2's sexual abuse and exploitation by Dr. Heaps. As a result, Defendant
25 UC Regents should have put in place appropriate safeguards to prevent foreseeable harm to
26 female gynecological patients, including imposition of a policy providing for the mandatory
27 presence of an independent, properly trained chaperone, to prevent, deter and report any
28 misconduct in the context of gynecological examinations and procedures. Defendant UC

1 Regents also failed adequately (or at all) to train its employees and agents in how to recognize
2 and report any sexual or medical battery or harassment.

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

9 117. The UC Regents were placed on actual or constructive notice that Dr. Heaps had
10 molested or was molesting female patients during his employment. Defendants had
11 knowledge of inappropriate conduct, exploitation, and serial molestations committed by Dr.
12 Heaps during his employment, yet chose to allow him to interact with patients, including
13 Plaintiff Doe 2.

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

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

21 120. Because the UC Regents:

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

1 action; and

2 (d) Consciously and intentionally kept all of Dr. Heaps' exploitative, abusive,
3 and harassing behaviors secrets from patients and the public at large;
4 the UC Regents have enabled and permitted the conduct of Dr. Heaps as set forth herein.

5 121. The UC Regents, their agents, servants, and/or employees knew Dr. Heaps was
6 sexually exploiting, abusing, and harassing female patients and refused to take any action to
7 stop him. Moreover, the UC Regents, their agents, servants, and/or employees hid this
8 information so Dr. Heaps could continue to work for UCLA, its clinics and facilities. With
9 knowledge of Dr. Heaps' sexual misconduct, no disciplinary action was taken by the UC
10 Regents and he was allowed to continue to interact with patients, including Plaintiff Doe 2.
11 The UC Regents, their agents, servants, and/or employees are thus responsible for Dr. Heaps'
12 acts of sexual exploitation, sexual assault, battery, and harassment.

13 122. As a result of the above-described conduct, Plaintiff Doe 2 has suffered and
14 continues to suffer great pain of mind and body, shock, emotional distress, physical
15 manifestations of emotional distress including embarrassment, loss of self-esteem, disgrace,
16 shame, humiliation, and loss of enjoyment of life; have suffered and continue to suffer and
17 were prevented and will continue to be prevented from performing daily activities and
18 obtaining the full enjoyment of life; and has incurred and will continue to incur expenses for
19 medical and psychological treatment, therapy, and counseling.

20 **NINTH CAUSE OF ACTION**

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

22 123. Plaintiff Doe 2 incorporates Paragraphs 1 through 122 as though fully set forth
23 herein.

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

1 each Defendant designated herein.

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

7 126. The UC Regents learned Dr. Heaps had molested or was molesting and
8 harassing female patients during his employment. Defendants had knowledge of inappropriate
9 conduct, and exploitation committed by Dr. Heaps during his employment, yet chose to allow
10 him to continue interacting with patients, including Plaintiff Doe 2.

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

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

18 129. Because the UC Regents:

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

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

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

10 131. As a result of the above-described conduct, Plaintiff Doe 2 has suffered and
11 continues to suffer great pain of mind and body, shock, emotional distress, physical
12 manifestations of emotional distress including embarrassment, loss of self-esteem, disgrace,
13 shame, humiliation, and loss of enjoyment of life; have suffered and continue to suffer and
14 were prevented and will continue to be prevented from performing daily activities and
15 obtaining the full enjoyment of life; and will continue to incur expenses for medical and
16 psychological treatment, therapy, and counseling.

17 **TENTH CAUSE OF ACTION**

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

19 132. Plaintiff Doe 2 incorporates Paragraphs 1 through 131 as though fully set forth
20 herein.

21 133. Defendant UC Regents owed Plaintiff Doe 2 a duty to take reasonable protective
22 measures to safeguard Plaintiff and other female patients from the risk of sexual battery by Dr.
23 Heaps by properly warning, training or educating others, including their own medical
24 personnel, medical staff, administrators, and other agents, servants, and/or employees
25 (including chaperones) about how to avoid such a risk and what to do when such inappropriate
26 conduct is witnessed, reported, and/or discovered.

27 134. Defendant UC Regents breached its duty to take reasonable measures to protect
28 Plaintiff Doe 2 and other female patients from the risk of sexual harassment and abuse by Dr.

1 Heaps, such as the failure to properly warn, train Plaintiff and other patients about Dr. Heaps.

2 135. Defendant UC Regents breached its duty to take reasonable protective measures
3 to safeguard Plaintiff and other patients from the risk of sexual harassment and abuse by Dr.
4 Heaps, by failing to supervise and stop employees, such as Dr. Heaps, and prevent them from
5 committing sexually abusive and exploitive acts upon patients, including Plaintiff Doe 2.

6 136. By breaching its duty, Defendant UC Regents unreasonably and wrongfully
7 exposed Plaintiff Doe 2 and other patients to sexual battery and abuse.

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

15 **ELEVENTH CAUSE OF ACTION**

16 **(Negligence against Defendants UC Regents and Roes)**

17 138. Plaintiff Doe 2 incorporates Paragraphs 1 through 137 as though fully set
18 forth herein.

19 139. Defendants committed the negligent acts and/or negligent failures to act, as set
20 forth above, and those acts caused the emotional and physical harm endured by Plaintiff
21 Doe 2.

22 140. Defendants owed Plaintiff a duty of care to act.

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

25 142. As a result of the above-described conduct, Plaintiff Doe 2 suffered and
26 continues to suffer great pain of mind and body, shock, emotional distress, physical
27 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace,
28 humiliation, and loss of enjoyment of life; has suffered and continues to suffer and was

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

4

5 **WHEREFORE**, Plaintiff Doe 2 prays for a jury trial and for judgment against
6 Defendants as follows:

7

FOR ALL CAUSES OF ACTION

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1. For compensatory damages, in an amount to be determined at trial;

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2. For costs of suit;

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3. For interest based on damages, as well as pre-judgment and post-judgment

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interest as allowed by law;

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4. For declaratory and injunctive relief, including but not limited to court

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supervision of the UC Regents;

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5. For attorneys' fees as provided by statute;

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6. For punitive damages as to Dr. Heaps;

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7. For such other and further relief as the Court may deem proper.

17

18

DATED: June 14, 2019

THEODORA ORINGER PC

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By: /s/ Jennifer J. McGrath

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Jennifer J. McGrath

Attorney for Plaintiff JANE DOE 2

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DEMAND FOR TRIAL BY JURY

Plaintiff Jane Doe 2 hereby demands a trial by jury in this action.

DATED: June 14, 2019

THEODORA ORINGHER PC

By: /s/ Jennifer J. McGrath
Jennifer J. McGrath
Attorney for Plaintiff JANE DOE 2