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

13 JANE DOE 5,  
 14 Plaintiff,  
 15 vs.  
 16 THE REGENTS OF THE UNIVERSITY  
 OF CALIFORNIA, a California  
 17 government corporation, JAMES HEAPS,  
 M.D., an individual; and ROES 1 through  
 18 20, inclusive,  
 19 Defendants.

**COMPLAINT FOR: 19STCV26368**

- (1) Violations of Unruh Act (Civil Code § 51)
- (2) Violations of Bane Act (Civil Code § 52.1)
- (3) Violations of Personal Rights (Civil Code § 51.9)
- (4) Battery
- (5) Sexual Battery
- (6) Intentional Infliction of Emotional Distress
- (7) Negligent Infliction of Emotional Distress
- (8) Negligent Supervision and Retention
- (9) Negligent Ratification
- (10) Negligent Failure to Warn, Train, or Educate
- (11) Negligence
- (12) Gender Violence (Civil Code § 52.4)
- (13) Unfair Business Practices (Business & Professions Code § 17200)
- (14) Constructive Fraud

**DEMAND FOR JURY TRIAL**

1 Plaintiff Jane Doe 5,<sup>1</sup> an individual (“Plaintiff Doe 5” or “Plaintiff” or “Doe 5”) 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 5 was a gynecological patient at UCLA Health (“UCLA Health” or  
8 “UCLA”) when she was sexually abused, molested and harassed at the hands of serial sexual  
9 predator Defendant Dr. Heaps.

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

14 3. Dr. Heaps engaged in horrific action — sexual abuse of a vulnerable patient in  
15 her seventies. Under the guise of “checking” that Plaintiff Doe 5 was doing Kegel exercises  
16 (exercises designed to strengthen her pelvic floor) “correctly,” Plaintiff Doe 5 now  
17 understands that Dr. Heaps molested her for his own sexual gratification. In addition, at  
18 annual appointments in successive years, Dr. Heaps groped and massaged Plaintiff Doe 5’s  
19 breasts in a sexual manner, which Plaintiff Doe 5 now understands was without medical  
20 necessity. Dr. Heaps also made what Plaintiff Doe 5 now understands to be inappropriate  
21 verbal comments of a sexual nature to her during certain of these appointments.

22 4. On information and belief, Dr. Heaps had privileges at Ronald Reagan UCLA  
23 Medical Center for thirty years, beginning in 1988, and provided services at UCLA Student  
24 Health from 1983 to 2010. During his tenure as an employee of Defendant UC Regents,  
25 Dr. Heaps was a very high earner for UCLA, ranking on the 2016 list of highest paid UC  
26 \_\_\_\_\_

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

1 employees, with an annual salary of \$1,182,265, as reported in an August 28, 2017 story in the  
 2 Sacramento Bee entitled, *All 35 of the University of California’s highest-paid employees in*  
 3 *2016 were men*. Dr. Heaps was also apparently considered an OBGYN “to the stars,” who  
 4 was listed in the *Hollywood Reporter’s* annual *Best Doctors in Los Angeles* issue in 2015.

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

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

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

24 8. As described herein, on information and belief, one nurse/chaperone in  
 25 particular –(whom Plaintiff Doe 5 believes was present at examinations which Plaintiff Doe 5  
 26 has now come to understand involved abusive and medical unnecessary conduct) - had a  
 27 history of criminality prior to being hired by UCLA. On information and belief, she  
 28 eventually left her job with Dr. Heaps after voluntarily surrendering her nursing licenses as a

1 result of drug (including prescription drug) and alcohol abuse and DUI's. The fact that UCLA  
2 would hire and retain such an individual purportedly to watch over and care for female  
3 patients is both highly troubling and actionable.

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

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

21       11.       Every woman should—of course—at all times be protected from sexual assault  
22 and harassment; to be clear, however, Plaintiff Doe 5 is not one of Dr. Heaps' powerful  
23 Hollywood patients. She is grandmother in her seventies.

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

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

10 14. Only when Dr. Heaps’ arrest became public, did Plaintiff Doe 5 come to  
11 understand what had been done to her by Dr. Heaps’ misconduct and UCLA’s inaction. Only  
12 in the last few weeks has Plaintiff Doe 5 come to realize that she was subjected to unnecessary  
13 pelvic exams and that Dr. Heaps conduct in those exams was inappropriate and of a sexual  
14 nature, including molesting her under the guise of purportedly evaluating whether she was  
15 doing Kegel exercises “correctly.” Plaintiff Doe 5 has also come to realize that Dr. Heaps  
16 performed over-lengthy breast “exams” in a manner that was for his own gratification and not  
17 medically necessary.

18 **BACKGROUND FACTS**

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

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

27 16. In that role, on information and belief, Dr. Heaps continued to provide  
28 gynecological services to women, including Plaintiff Doe 5, at his office located at 100

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

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

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

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

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

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

26 21. It is unknown to Plaintiff Doe 5 what background information the UC Regents  
27 sought from Dr. Heaps in advance of his being hired at UCLA (and his practice acquired by  
28 the UC Regents) in or about February 2014. It is unclear whether the UC Regents did any

1 independent investigation of Dr. Heaps or his background when they sought to employ him to  
 2 provide gynecological services to female patients at his UCLA Health office and at Ronald  
 3 Reagan UCLA Medical Center.

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

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

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

27         25. In or about early December 2017, a patient of Dr. Heaps complained to UCLA  
 28 in detail about the verbal and physical sexual harassment and abuse that she had been forced

1 to endure at the hands of Dr. Heaps. Nonetheless, UCLA chose to ratify Dr. Heaps’ conduct,  
2 allowing him to continue practicing and seeing patients (including Plaintiff Doe 5)  
3 uninterrupted for the better part of a year. Those patients—likely hundreds in number—were  
4 seeking routine care and were unwittingly exposed to a serious threat of lasting harm.  
5 Notwithstanding these complaints—and despite being on notice of Dr. Heaps’ malfeasance—  
6 the UC Regents continued to employ or otherwise affiliate with Dr. Heaps and ratify his  
7 conduct, allowing him to maintain his practice and see patients, which he did until mid-2018.

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

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

16                     **Plaintiff Doe 5 Is Sexually Battered and Harassed by Dr. Heaps**  
17                     **During Routine Gynecological Examinations**

18         28. On or about December 8, 2014, December 15, 2015 and December 19, 2016,  
19 Plaintiff Doe 5 had what should have been routine annual examinations with Dr. Heaps. At  
20 each of those appointments, however, Dr. Heaps performed lengthy breast “examinations,”  
21 which involved using both hands simultaneously to grope and massage Plaintiff Doe 5’s  
22 breasts in a sexual manner which Plaintiff Doe 5 later came to understand was not medically  
23 necessary or appropriate. Dr. Heaps also made what Plaintiff Doe 5 now understands to be  
24 inappropriate sexual comments during certain of these visits. Female chaperones who were  
25 sometimes present in the room at the time of Plaintiff Doe’s examinations by Dr. Heaps sat  
26 silently as Plaintiff Doe was mistreated.

27         29. At her appointment on or about December 19, 2016, Dr. Heaps went further,  
28 performing an inappropriate breast exam and then asking Plaintiff Doe 5 whether she does



1 Kegel exercises. Dr. Heaps then asked Plaintiff Doe 5 to simulate those exercises during his  
2 pelvic examination and touched her inappropriately during the course of this “examination.”  
3 Again, Plaintiff Doe 5 has come to understand that this conduct was not medically necessary  
4 and was done for Dr. Heaps’ own sexual gratification. During the course of this abusive  
5 conduct, Plaintiff Doe 5 sought the eye of the unidentified female chaperone who was in the  
6 examination room at the time, but the chaperone ignored Plaintiff Doe 5 and gave no  
7 indication to Plaintiff Doe 5 that anything inappropriate was occurring.

8         30. On further information and belief, on or about June 14, 2018, Dr. Heaps ceased  
9 providing services to patients through UCLA Health. On information and belief, on or about  
10 June 19, 2018, UCLA Health sent a letter, authored by Dr. Deborah Krakow, MD, Professor  
11 and Chair of the Department of Obstetrics and Gynecology and Professor of Human Genetics  
12 and Orthopedic Surgery, David Geffen School of Medicine at UCLA, to patients of Dr. Heaps.  
13 In that letter, Dr. Krakow stated that “[i]t is with mixed emotions that I announce the  
14 retirement of Dr. James Heaps.” At the time that UCLA Health sent this notification letter to  
15 patients of Dr. Heaps, UCLA Health was aware of specific allegations and of the then ongoing  
16 California Medical Board Investigation of Dr. Heaps. Plaintiff Doe 5 received this letter in or  
17 about June 2018.

18         31. All of the actions of Dr. Heaps alleged in the following causes of action were  
19 ratified and approved by the officers or managing agents of the UC Regents. Further, the UC  
20 Regents had notice of Dr. Heaps’ unfitness in advance of his sexual battery and harassment of  
21 Plaintiff, yet failed to take corrective action to protect Plaintiff or other students or patients.  
22 Despite this notice, the UC Regents allowed Dr. Heaps to remain employed and left him in a  
23 position where he could molest, batter, and harass Plaintiff Doe 5, other patients, and students.

24         32. The UC Regents condoned and ratified the conduct of Dr. Heaps by their  
25 advance notice of Dr. Heaps’ unfitness at work, by their failure to make required reports of  
26 suspected abuse, and by their failure to take immediate corrective action to protect Plaintiff  
27 Doe 5 and other patients (including students) from further harm after reports—and formal  
28 California Medical Board investigations—of Dr. Heaps’ sexual assault of patients.

1           33. As discussed throughout, Defendant UC Regents also failed to put in place  
2 appropriate safeguards to prevent foreseeable harm to female gynecological patients, including  
3 imposition of a policy providing for the mandatory presence of an independent and  
4 appropriately trained chaperone, to prevent, deter and report any misconduct in the context of  
5 gynecological examinations and procedures. Defendant UC Regents also failed adequately (or  
6 at all) to train its employees and agents in how to recognize and report any sexual or medical  
7 battery or harassment.

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

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

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



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

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

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

16           45. Plaintiff Doe 5 is informed and believes, and based thereon alleges, that at all  
17 times relevant each of the defendants, including the Roe Defendants, was the agent, employee,  
18 manager, supervisor, owner, servant and joint venturer of each of the remaining Defendants  
19 and that in doing the things alleged, was acting within the course, scope and authority of such  
20 agency, employment, supervision, management, ownership and joint venture, and with the  
21 consent and permission of each of the other Defendants. Unless otherwise indicated, all  
22 Defendants, including the Roe Defendants, are collectively referred to herein as the  
23 “Defendants.”

24           46. Plaintiff Doe 5 is informed and believes, and on that basis alleges, that, in  
25 addition to its own independent conduct, UC Regents is vicariously liable for the acts,  
26 misconduct, and omissions—both negligent and intentional—of Dr. Heaps and its other  
27 employees, including but not limited to the female chaperones who were in the examination  
28 room at the time of Dr. Heaps’ examination of Plaintiff Doe 5—as more particularly described

1 above, pursuant to the doctrine of *respondeat superior* and Cal. Gov't Code § 815.2. Dr.  
2 Heaps, the female chaperone, and others were acting in the course and scope of their  
3 employment at the time of the allegations herein.

4 47. Once the 90 day wait period pursuant to CCP 364 expires without resolution,  
5 Plaintiff Doe intends to amend her Complaint to add a claim of professional negligence  
6 against Defendants.

7 48. In the event that Dr. Heaps is convicted of felonies for the conduct alleged  
8 herein, Plaintiff Doe 5 requests leave to amend this Complaint, such that a request for  
9 attorneys' fees can be made against Dr. Heaps and Defendants pursuant to Code of Civil  
10 Procedure § 1021.4.

11 **JURISDICTION AND VENUE**

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

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

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

18 **FIRST CAUSE OF ACTION**

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

20 52. Plaintiff Doe 5 incorporates Paragraphs 1 through 51 as though fully set forth  
21 herein.

22 53. Plaintiff Doe 5's civil rights were violated by Defendants when they abused and  
23 harassed Plaintiff Doe 5 and when they intentionally and fraudulently concealed complaints of  
24 sexual exploitation, sexual abuse, sexual harassment and molestation by Dr. Heaps from other  
25 patients. Plaintiff had a right to be free from gender discrimination, sexual molestation, abuse  
26 and harassment under the Unruh Civil Rights Act.

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

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

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

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

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

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

28

1 **SECOND CAUSE OF ACTION**

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

3 60. Plaintiff Doe 5 incorporates Paragraphs 1 through 59 as though fully set forth  
4 herein.

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

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

14 63. Defendants' wrongful conduct was intended to, and did successfully interfere  
15 with Plaintiff Doe 5's Constitutional Rights to be free from gender discrimination and  
16 harassment, as well as interfered with her rights of Due Process under the United States'  
17 Constitution, specifically the Fifth and Fourteenth Amendments.

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

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





1 intentionally, recklessly and wantonly committed, enabled, and omitted, acts which resulted in  
2 harmful and offensive contact with intimate parts of Plaintiff Doe’s person, including but not  
3 limited to: touching her inappropriately while asking her to simulate Kegel exercises during a  
4 pelvic examination and performing lengthy breast “examinations,” which involved using both  
5 hands simultaneously to grope and massage Plaintiff Doe 5’s breasts in a sexual manner,  
6 which Plaintiff Doe 5 later came to understand was not medically necessary or appropriate.  
7 Female chaperones who were in the room at the time of Plaintiff Doe’s examinations by Dr.  
8 Heaps sat silently as Plaintiff Doe was mistreated.

9         71. During Plaintiff Doe 5’s time as a patient at UCLA Health, Defendants also  
10 intentionally, recklessly and wantonly made, and enabled, what plaintiff Doe 5 has now come  
11 to understand were sexual and exploitative statements of a prurient nature, based on Plaintiff’s  
12 gender that were unwelcome, pervasive and severe, all under the supervision of Defendant the  
13 UC Regents. Again, the female chaperones who were in the room at the time of Plaintiff Doe  
14 5’s examination sat silently as Plaintiff Doe was subjected to these comments.

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

19         73. Because of Plaintiff Doe’s relationships with Defendants Dr. Heaps and the UC  
20 Regents, Dr. Heaps’ status as a prominent and highly compensated gynecologist employed by  
21 the Defendant UC Regents and promoted on the UCLA Health website as a highly skilled  
22 physician, and Plaintiff Doe 5’s vulnerability as a gynecological patient, Plaintiff Doe was  
23 unable to easily terminate the relationship she had with the Defendants.

24         74. Because of Dr. Heaps’ status, position of authority, physical seclusion of  
25 Plaintiff Doe, her mental and emotional state, vulnerable position and the fact that she did not  
26 understand that Dr. Heaps’ conduct was not medically necessary she was unable to, did not,  
27 and could not, give consent to such acts.

28         75. Even though Defendant UC Regents knew or should have known of these

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

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

17           77. Defendants’ conduct (and the conduct of their agents, servants and/or  
18 employees) was a breach of their duties to Plaintiff Doe 5.

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

26                           **FOURTH CAUSE OF ACTION**

27                           **(Battery against All Defendants)**

28           79. Plaintiff Doe incorporates Paragraphs 1 through 78 as though fully set forth

1 herein.

2 80. During the course of treatment of Plaintiff Doe 5, Dr. Heaps used his powers and  
3 abilities as a physician, and his knowledge and background and access to Plaintiff Doe 5, to  
4 sexually batter Plaintiff Doe 5, knowing that she would be vulnerable to this type of sexual  
5 battery. Dr. Heaps touched her inappropriately while asking her to simulate Kegel exercises  
6 during a pelvic examination and performing lengthy breast “examinations,” which involved  
7 using both hands simultaneously to grope and massage Plaintiff Doe 5’s breasts in a sexual  
8 manner, which Plaintiff Doe 5 later came to understand was not medically necessary or  
9 appropriate.

10 81. The female chaperones who were in the room during the visits enabled the  
11 sexual battery and assault of Plaintiff Doe 5 by failing to reasonably perform their duties as  
12 chaperones and failing to raise any alarms during Dr. Heaps’ misconduct or take any other  
13 reasonably expected actions to prevent the harm inflicted upon Plaintiff Doe 5.

14 82. Had Dr. Heaps not been in a position of power and authority over Plaintiff Doe 5  
15 and had she not been treated by Defendants, she would have never permitted such sexual  
16 contact by Dr. Heaps, which acts (she now understands) constituted a harmful or offensive  
17 touching and battery upon her person.

18 83. Plaintiff Doe 5 did not consent to the sexualized touching and sexual contact.

19 84. Dr. Heaps’ conduct was within the course and scope of his employment with  
20 Defendants, and each of them, and was ratified by Defendants and each of them who had  
21 advance notice of this misconduct. All of the conduct occurred during the course and scope of  
22 Dr. Heaps’ employment at UCLA. Plaintiff suffered severe emotional distress and physical  
23 injury as a result of Dr. Heaps’ misconduct and damages as otherwise alleged in this  
24 Complaint. In addition, at the time she was in the examination room and while she was  
25 witnessing Dr. Heaps’ battery of Plaintiff Doe, the female chaperones were acting in the  
26 course and scope of their employment with UCLA.

27 85. Defendant UC Regents is vicariously liable for the conduct alleged herein  
28 because, even though Defendant UC Regents knew of these pervasive, illegal and

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

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

19         87. As a proximate result of the above, Plaintiff Doe 5 suffered damages as  
 20 otherwise alleged in this Complaint.

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

26         89. Defendants, and each of them, further knew that Plaintiff Doe was especially  
 27 vulnerable and susceptible to injury by persons such as Dr. Heaps in the absence of adequate  
 28 supervision, and by reason of the authority the UC Regents vested in Dr. Heaps. The UC

1 Regents acted in conscious disregard of the rights and safety of Plaintiff by ignoring the  
2 danger posed by Dr. Heaps, and by putting him in a position of trust and authority over  
3 Plaintiff Doe 5, and failing to take proper steps to protect Plaintiff Doe 5 and other patients. It  
4 was reasonably foreseeable Plaintiff Doe 5 would receive physical injury and severe  
5 emotional distress as a result of Dr. Heaps' malfeasance. Defendant UC Regents' conduct in  
6 this regard was done with the intent to cause injury to Plaintiff Doe 5 and/or done with a  
7 conscious disregard of the rights and safety of Plaintiff.

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

13 **FIFTH CAUSE OF ACTION**

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

15 91. Plaintiff Doe 5 incorporates Paragraphs 1 through 90 as though fully set forth  
16 herein.

17 92. During Plaintiff Doe 5's time as a patient with Defendants, Dr. Heaps  
18 intentionally, recklessly, and wantonly did acts which Plaintiff Doe 5 now understands were  
19 intended to, and did, result in harmful and offensive contact with intimate parts of Plaintiff  
20 Doe's person, including but not limited to: touching her inappropriately while asking her to  
21 simulate Kegel exercises during a pelvic examination and performing lengthy breast  
22 "examinations," which involved using both hands simultaneously to grope and massage  
23 Plaintiff Doe 5's breasts in a sexual manner, which Plaintiff Doe 5 later came to understand  
24 was not medically necessary or appropriate. The female chaperones who were in the room  
25 during the visit enabled the sexual battery and assault of Plaintiff Doe by failing to reasonably  
26 perform their duties as a chaperone and failing to raise any alarms during Dr. Heaps'  
27 misconduct or take any other reasonably expected actions to prevent the harm inflicted upon  
28 Plaintiff Doe 5.

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

6           94.     Had Dr. Heaps not been in a position of power and authority over Plaintiff Doe 5  
7 and had she not been treated by Defendants, she would have never permitted such sexual  
8 contact by Dr. Heaps.

9           95.     Plaintiff Doe 5 did not consent to this sexualized touching and sexual contact.

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

16          97.     At the time she was in the examination room and while they were witnessing  
17 Dr. Heaps' battery of Plaintiff Doe 5, the female chaperones were acting in the course and  
18 scope of their employment with UCLA.

19          98.     Defendant UC Regents is vicariously liable for the conduct alleged herein  
20 because, even though Defendant UC Regents knew of these pervasive, illegal and  
21 inappropriate activities by Dr. Heaps, the UC regents did nothing to investigate, supervise or  
22 monitor Dr. Heaps to ensure the safety of the patients in his charge. Nor did Defendant UC  
23 Regents put in place—or enforce—safeguards to prevent foreseeable harm to female  
24 gynecological patients, including imposition of a policy providing for the mandatory presence  
25 of a properly trained independent chaperone, to prevent, deter and report any misconduct in  
26 the context of gynecological examinations and procedures. Defendant UC Regents also failed  
27 adequately (or at all) to train its employees and agents in how to recognize and report any  
28 sexual or medical battery or harassment. Instead, Defendant UC Regents allowed Dr. Heaps

1 to continue to perform gynecological examinations of female patients despite knowledge that  
2 he had committed battery and sexual battery and assault in the past.

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

11 100. As a proximate result of the above, Plaintiff Doe 5 suffered damages as  
12 otherwise alleged in this Complaint. As a direct, legal, and proximate result of Dr. Heaps'  
13 conduct, Plaintiff Doe 5 sustained serious and permanent injury to her person, all of his  
14 damage in an amount to be shown according to proof and within the jurisdiction of the Court.

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

23 **SIXTH CAUSE OF ACTION**

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

25 102. Plaintiff Doe 5 incorporates Paragraphs 1 through 101 as though fully set forth  
26 herein.

27 103. The conduct of defendants UC Regents and Dr. Heaps toward Plaintiff Doe 5, as  
28 described herein, was outrageous and extreme.

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

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

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

23           107. Defendants’ conduct described herein was intentional and malicious and done  
24 for the purpose of causing or with the substantial certainty that Plaintiff Doe 5 would suffer  
25 humiliation, mental anguish, and emotional and physical distress.

26           108. As a result of the above-described conduct, Plaintiff Doe 5 has suffered and  
27 continues to suffer great pain of mind and body, shock, emotional distress, physical  
28 manifestations of emotional distress including embarrassment, loss of self-esteem, disgrace,



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

5 109. In subjecting Plaintiff Doe 5 to the wrongful treatment described herein,  
6 Dr. Heaps acted willfully and maliciously with the intent to harm Plaintiff Doe 5, and in  
7 conscious disregard of her rights, so as to constitute malice and oppression under California  
8 Civil Code section 3294. Plaintiff Doe 5 is therefore entitled to recover punitive damages  
9 against Defendant Heaps, in an amount to be determined by the court.

10 **SEVENTH CAUSE OF ACTION**

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

12 110. Plaintiff Doe 5 incorporates Paragraphs 1 through 109 as though fully set forth  
13 herein.

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

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

24 113. A reasonable person would not expect or tolerate the Defendants, their agents,  
25 servants, and/or employees to be incapable of supervising, preventing, and stopping Dr. Heaps  
26 from committing wrongful sexual acts with patients, including Plaintiff Doe 5, or to be  
27 incapable or unwilling to supervise Dr. Heaps. A reasonable person would not expect a  
28 chaperone whose presence was supposed to ensure Plaintiff Doe's comfort and safety during a

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

8 114. Defendants had a special relationship with Plaintiff Doe 5 and/or had undertaken  
9 an obligation to her that necessarily implicated Plaintiff Doe 5's emotional well-being.  
10 Specifically, Defendants had a duty to (1) take reasonable measures to prevent harm to  
11 Plaintiff Doe 5.

12 115. There was an especially likely risk that Defendants' negligent actions and  
13 inactions would cause serious emotional distress to Plaintiff Doe 5. Defendants' failure to  
14 take reasonable steps to institute safeguards to prevent sexual abuse and harassment caused  
15 Plaintiff Doe 5 tremendous harm.

16 116. Defendants' negligence was a substantial factor in causing Plaintiff Doe serious  
17 emotional distress.

18 **EIGHTH CAUSE OF ACTION**

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

20 117. Plaintiff Doe 5 incorporates Paragraphs 1 through 116 as though fully set forth  
21 herein.

22 118. By virtue of Plaintiff Doe 5's special relationship with the UC Regents as a  
23 patient, and the UC Regents' relation to Dr. Heaps, Defendants owed Plaintiff Doe a duty not  
24 to retain Dr. Heaps, given his dangerous and exploitative propensities, which Defendants  
25 knew or should have known about.

26 119. Defendants expressly and implicitly represented that Dr. Heaps was a legitimate  
27 gynecologist, and not a sexual threat to his female patients. As discussed throughout,  
28 Dr. Heaps was well-compensated (a fact that was publically reported) and was acclaimed on

1 UCLA' websites as a highly skilled and professional physician.

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

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

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

24 123. The UC Regents were put on notice, and should have known, that Dr. Heaps had  
25 previously engaged, and continued to engage, in unlawful sexual conduct with female patients,  
26 and that it was foreseeable, or should have been foreseeable, that Dr. Heaps was engaging in,  
27 or would engage in, misconduct directed towards Plaintiff Doe 5 and others, under the  
28 protection of the authority, confidence, and trust bestowed upon him through the UC Regents,

1 their agents, servants, and employees.

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

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

11 126. The UC Regents' conduct in enabling Dr. Heaps to serially sexually assault his  
12 female patients was a long-standing, gross, and inexcusable violation of the duty of care owed  
13 to Plaintiff Doe 5.

14 127. Because the UC Regents:

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

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

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

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

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

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

28 128. The UC Regents, their agents, servants, and/or employees knew Dr. Heaps was

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

8 129. As a result of the above-described conduct, Plaintiff Doe 5 has suffered and  
9 continues to suffer great pain of mind and body, shock, emotional distress, physical  
10 manifestations of emotional distress including embarrassment, loss of self-esteem, disgrace,  
11 shame, 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 has incurred and will continue to incur expenses for medical and  
14 psychological treatment, therapy, and counseling.

15 **NINTH CAUSE OF ACTION**

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

17 130. Plaintiff Doe 5 incorporates Paragraphs 1 through 129 as though fully set forth  
18 herein.

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

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

1 authority and ratification.

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

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

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

17 136. The UC Regents’ conduct in enabling Dr. Heaps to serially sexually assault his  
18 female patients was a long-standing, gross, and inexcusable violation of the duty of care owed  
19 to Plaintiff Doe 5.

20 137. Because the UC Regents:

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

- 1 (d) Consciously and intentionally kept all of Dr. Heaps' exploitative, abusive,  
2 and harassing behaviors secret from patients and the public at large; and  
3 (e) Failed to employ or train appropriate nurse/chaperones who could oversee  
4 intimate examinations and report misbehavior.

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

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

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

21 **TENTH CAUSE OF ACTION**

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

23 140. Plaintiff Doe 5 incorporates Paragraphs 1 through 139 as though fully set forth  
24 herein.

25 141. Defendant UC Regents owed Plaintiff Doe 5 a duty to take reasonable protective  
26 measures to safeguard Plaintiff and other female patients from the risk of sexual battery by  
27 Dr. Heaps by properly warning, training or educating others, including their own medical  
28 personnel, medical staff, administrators, and other agents, servants, and/or employees

1 (including chaperones) about how to avoid such a risk and what to do when such inappropriate  
2 conduct is witnessed, reported, and/or discovered.

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

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

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

17 145. By breaching its duty, Defendant UC Regents unreasonably and wrongfully  
18 exposed Plaintiff Doe 5 and other patients to sexual battery and abuse.

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

26 **ELEVENTH CAUSE OF ACTION**

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

28 147. Plaintiff Doe 5 incorporates Paragraphs 1 through 146 as though fully set



1 forth herein.

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

4 149. Defendants owed Plaintiff a duty of care to act.

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

7 151. For example, the chaperones who were in the room during Dr. Heaps' sexual  
8 assault and harassment of Plaintiff Doe 5 acted negligently, in that they failed to reasonably  
9 perform their duties as a chaperone and failed to act as a reasonably prudent person. The  
10 chaperones failed to raise any alarms during Dr. Heaps' misconduct or take any other  
11 reasonably expected actions to prevent the harm inflicted on Plaintiff Doe 5, despite the fact  
12 that (a) the purpose of the chaperones was to protect Plaintiff Doe 5 and ensure that she was  
13 comfortable and safe during the gynecological visit; and (b) the chaperones were aware of the  
14 lack of medical necessity of Dr. Heaps' touching and questioning of Plaintiff Doe 5. Further,  
15 the chaperones did not report Dr. Heaps' misconduct. At the time they were in the  
16 examination room and while she was silently witnessing Dr. Heaps' infliction of harm to  
17 Plaintiff Doe 5, the female chaperones were acting in the course and scope of their  
18 employment with UCLA.

19 152. As a result of the above-described conduct, Plaintiff Doe 5 suffered and  
20 continues to suffer great pain of mind and body, shock, emotional distress, physical  
21 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace,  
22 humiliation, and loss of enjoyment of life; has suffered and continues to suffer and was  
23 prevented and will continue to be prevented from performing daily activities and obtaining the  
24 full enjoyment of life; and has incurred and will continue to incur expenses for medical and  
25 psychological treatment, therapy, and counseling.

26 **TWELFTH CAUSE OF ACTION**

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

28 153. Plaintiff Doe 5 incorporates Paragraphs 1 through 152 as though fully set forth

1 herein.

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

9 155. Plaintiff Doe 5 is female.

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

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

22 158. As more fully set forth above, Plaintiff was injured as a result of the gender  
23 violence, and seeks all remedies provided for in California Civil Code § 52.4, including but  
24 not limited to, actual damages, compensatory damages, punitive damages, costs, and  
25 attorney’s fees.

26 **THIRTEENTH CAUSE OF ACTION**

27 **(Unfair Business Practices (Business & Professions Code § 17200) against All**  
28 **Defendants)**

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

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

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

23           162. By engaging in the unlawful, unfair, and/or deceptive business practices  
24 described above, Defendants benefitted financially to the detriment of competitors and the  
25 public.

26           163. Unless restrained, Defendants will continue to engage in the unlawful, unfair,  
27 and/or deceptive business practices described above, resulting in irreparable harm to Plaintiff  
28 and the public.

1 164. Plaintiff seeks restitution of all amounts improperly obtained by Defendants  
2 through the use of the above-described unlawful, unfair and/or deceptive business practices, as  
3 well as disgorgement of any ill-gotten gains on behalf of Plaintiff and all others similarly  
4 situated.

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

10 **FOURTEENTH CAUSE OF ACTION**

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

12 166. Plaintiff Doe 5 incorporates Paragraphs 1 through 165 as though fully set forth  
13 herein.

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

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

22 169. By virtue of their confidential, fiduciary, and special relationship with Plaintiff,  
23 Defendants owed Plaintiff a duty to:

- 24 (a) promptly and thoroughly investigate claims of sexual abuse or
- 25 harassment committed by its employees, agents, or affiliates (such as Dr.
- 26 Heaps) and reveal any such negative findings to Plaintiff, the
- 27 community, the Medical Board, and law enforcement;
- 28 (b) refuse to place Dr. Heaps in a position of trust and authority within the

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- UC Regents’ controlled and affiliated institutions and facilities;
  - (c) refuse to hold Dr. Heaps out to Plaintiff, other patients, students, and the community at large as being a trustworthy physician in good standing, a faculty member, and authority figure; and
  - (d) promptly disclose to Plaintiff, UCLA students, and the community at large the reasons for his “retirement” in June 2018.
170. On information and belief, Defendants breached their respective duties by:
- (a) failing to promptly and thoroughly investigate claims of sexual abuse or harassment against Dr. Heaps;
  - (b) failing to disclose to Plaintiff, UCLA students, and the community at large the reasons for Dr. Heaps’ retirement in June 2018;
  - (c) issuing no warnings about Dr. Heaps;
  - (d) permitting Dr. Heaps to routinely examine gynecological patients either entirely unsupervised or supervised by untrained chaperones who were derelict in their duty to report Dr. Heaps;
  - (e) failing to adopt policies that mandated the use of chaperones at all gynecological visits or properly training their chaperones;
  - (f) retaining at least one nurse/chaperone with a history of criminality and who, on information and belief, had alcohol and prescription drug addictions during the time in which she was rendering nurse and chaperone services to patients, including Plaintiff Doe 5;
  - (g) continuing to assign Dr. Heaps to duties which placed him in positions of trust and authority over other patients;
  - (h) continuing to impliedly represent that Dr. Heaps was safe and morally fit to give medical care and provide gynecological treatment; and
  - (i) continuing to promote Dr. Heaps as a faculty member and trusted physician on the UCLA School of Medicine website even after he had forcibly “retired.”

1 171. Defendant made affirmative or implied representations and nondisclosures of  
2 material facts about Dr. Heaps and his suitability to provide gynecological care to patients,  
3 and knowingly and intentionally suppressed material facts about past allegations of  
4 misconduct against Dr. Heaps that the UC Regents knew or should have known about.

5 172. Given her need for medical treatment, and her trust and care in Defendants,  
6 Plaintiff was vulnerable to Defendants.

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

9 174. Defendants' conduct did reasonably cause Plaintiff to forebear on her rights, and  
10 Plaintiff justifiably relied upon Defendants for information about Dr. Heaps.

11 175. The misrepresentations, suppressions, and concealment of facts by Defendants  
12 were intended to and were likely to mislead Plaintiff and others to believe that Defendants had  
13 no knowledge of any misconduct by Dr. Heaps.

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

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

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

27 179. Plaintiff was misled by Defendants' suppression and acts of concealment, and in  
28 reliance thereon, was induced to act or not act as intended by Defendants. Specifically,

1 Plaintiff was induced to believe there were no allegations of prior misconduct against  
2 Dr. Heaps and that he was safe to be around patients and students. Had Plaintiff known the  
3 true facts about Dr. Heaps, she would not have seen him for gynecological or other medical  
4 care, and she would have acted sooner in reporting him or pursuing her claims.

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

7

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

10 **FOR ALL CAUSES OF ACTION**

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

21

22 DATED: July 25, 2019

THEODORA ORINGHER PC

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By: /s/ Jennifer J. McGrath  
Jennifer J. McGrath  
Attorney for Plaintiff JANE DOE 5

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**DEMAND FOR TRIAL BY JURY**

Plaintiff Jane Doe 5 hereby demands a trial by jury in this action.

DATED: July 25, 2019

THEODORA ORINGER PC

By: /s/ Jennifer J. McGrath  
Jennifer J. McGrath  
Attorney for Plaintiff JANE DOE 5