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

13 JANE DOE 6,

14 Plaintiff,

15 | VS.

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

19 Defendants.

COMPLAINT FOR: 19STCV26505

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

DEMAND FOR JURY TRIAL

1 Plaintiff Jane Doe 6,¹ an individual (“Plaintiff Doe 6” or “Plaintiff” or “Doe 6”) 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 6 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 — he repeatedly sexually abused Doe 6
15 under the guise of providing gynecological and oncological care. After learning that Plaintiff
16 had limited sensation in her pelvic region because of severe injuries she sustained when she
17 was younger, Dr. Heaps used the trust garnered over a 30-year patient/physician relationship
18 to sexually molest Plaintiff on at least five separate occasions. Plaintiff Doe 6 also now
19 believes that Dr. Heaps subjected her to overly-frequent “examinations” and treatment for
20 VIN (which are precancerous lesions of the vulva) and cervical dysplasia because such
21 appointments allowed him the opportunity to engage in touching of a sexual nature and to
22 fondle her breasts.

23 4. On information and belief, Dr. Heaps had privileges at Ronald Reagan UCLA
24 Medical Center for thirty years, beginning in 1988, and provided services at UCLA Student
25 Health from 1983 to 2010. During his tenure as an employee of Defendant UC Regents,

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

1 Dr. Heaps was a very high earner for UCLA, ranking on the 2016 list of highest paid UC
2 employees, with an annual salary of \$1,182,265, as reported in an August 28, 2017 story in the
3 Sacramento Bee entitled, *All 35 of the University of California's highest-paid employees in*
4 *2016 were men.* Dr. Heaps was also apparently considered an OBGYN "to the stars," who
5 was listed in the *Hollywood Reporter's* annual *Best Doctors in Los Angeles* issue in 2015.

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

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

16 7. In addition, on information and belief, UCLA did not institute basic protections
17 in order to prevent sexual abuse of patients, including having independent, qualified, and
18 trained chaperones present during examinations and/or, if any such protocols were in place,
19 UCLA's employees did not follow such protocols. Nor, on information and belief, did UCLA
20 train or supervise its employees so as to make them aware of how to intervene should any
21 medically unnecessary or inappropriate conduct occur, nor how to report such misconduct.
22 Even though the abuse inflicted upon Plaintiff Doe 6 at times occurred in the presence of a
23 chaperone, the chaperone –who, on information and belief was supervised by Dr. Heaps–did
24 not act to stop the incident or report the incident to authorities.

25 8. As described herein, on information and belief, one nurse/chaperone (whom
26 Plaintiff Doe 6 believes acted as chaperone at certain of her appointments with Dr. Heaps) was
27 involved in criminal conduct during the time she was employed by UCLA. On information
28 and belief, she eventually left her job with Dr. Heaps after voluntarily surrendering her

1 nursing licenses as a result of drug (including prescription drug) and alcohol abuse and DUI's.
2 The fact that UCLA would hire and retain such an individual purportedly to watch over and
3 care for female 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. Dr. Heaps' actions and the inaction of the UC Regents and its employees (both
22 before and after Plaintiff's horrific encounters with Dr. Heaps as described herein), have
23 caused Plaintiff Doe 6 tremendous and lasting harm, including feelings of fear and
24 powerlessness, symptoms of post-traumatic stress disorder, and other physical and emotional
25 manifestations of the severe emotional distress that she has suffered.

26 12. Dr. Heaps has now been arrested and charged with multiple felony counts,
27 including in connection with alleged sexual battery of his patients. When Dr. Heaps was
28 arrested, and publicity with regard to his misconduct was all but inevitable, the UC Regents

1 changed course, then issuing a public statement contending that Dr. Heaps was “terminated”
2 and that UCLA has purportedly taken corrective action. This communication was circulated
3 to the UCLA “Campus Community” by the UCLA Chancellor and Vice Chancellor, UCLA
4 Health Services. This is a far cry from the previous communication to patients announcing
5 Dr. Heaps’ “retirement,” a communication that failed to alert the community to his misconduct
6 or offer any assistance or support to Plaintiff Doe 6 or other victims.

7 13. Only when Dr. Heap’s arrest became public, did Plaintiff Doe 6 come to
8 understand what had been done to her by Dr. Heaps’ misconduct and UCLA’s inaction. Only
9 in the last few weeks has Plaintiff Doe 6 come to realize that she was subjected to unnecessary
10 “examinations” that Dr. Heaps conduct in those exams was inappropriate and of a sexual
11 nature, including molesting her under the guise of providing medical care. She has also come
12 to realize that Dr. Heaps’ claim that she needed such frequent “examinations” was grossly
13 overblown, as a way to manipulate her into allowing him purportedly to care for her and return
14 to his office on a frequent basis.

15 14. Perhaps equally troubling, when Plaintiff Doe 6 received the letter from UCLA
16 informing her that Dr. Heaps was “retiring” she was shocked, but she has now come to learn
17 that Dr. Heaps was under active investigation at the time that Plaintiff Doe 6 saw him for the
18 last time—at which appointment he touched her in a sexual manner. In fact, Dr. Heaps ceased
19 practicing at UCLA just a few days after Plaintiff Doe 6’s last appointment at his office.

20 15. Quite clearly, at the time of Plaintiff Doe 6’s final appointment with Dr. Heaps,
21 the decision had been made at UCLA that Dr. Heaps inappropriate sexual conduct merited his
22 termination, yet UCLA allowed Dr. Heaps unfettered access to Plaintiff Doe 6 and other
23 vulnerable patients. Had Plaintiff Doe 6 had knowledge of this investigation, of the
24 allegations that had been made against Dr. Heaps and of the fact that UCLA had already
25 concluded that Dr. Heaps constituted a threat to patient safety so as to merit his termination,
26 quite obviously she would never have consented to further examination or treatment by him.
27 Plaintiff Doe 6 was not given such a choice by UCLA and suffered further sexual abuse as a
28 result, abuse which has resulted in serious harm now and continuing into the future.

BACKGROUND FACTS

Defendant Dr. Heaps Provides Gynecological Services to UCLA Patients

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

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

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

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

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

20. UCLA holds itself out as a provider of high quality medical care for women, stating on the UCLA Health website that it is one of the “premier providers of modern

1 medicine to the Los Angeles area and the nation” and that its Obstetrics and Gynecology
2 department is “dedicated to providing comprehensive and personal care for women.” UCLA
3 also publicly touts its purported “serious commitment to addressing and preventing sexual
4 violence and sexual harassment.”

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

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

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

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

1 UCLA student. The woman who posted on Yelp detailed her experience with this harassment
2 and molestation by Dr. Heaps and its aftermath, stating that, “7 years later, I still feel
3 violated.”

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

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

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

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

1 **Plaintiff Doe 6 Is Sexually Battered and Harassed by Dr. Heaps**
2 **During Routine Gynecological Procedures**

3 29. In or about 1990, Plaintiff Doe 6 was injured when, as a pedestrian, she was hit
4 by an automobile, and sustained severe nerve damage to her midsection, resulting in limited
5 sensation in her pelvic region.

6 30. For nearly 30 years, beginning in or about the early 1990's, Plaintiff Doe 6
7 received routine gynecological treatment from Dr. Heaps, including a pap smear and
8 mammogram order, over which time Dr. Heaps garnered Plaintiff's trust.

9 31. However, from in or about August 2017 to mid-2018, Dr. Heaps began abusing
10 Plaintiff's trust and engaging in a pattern of sexual abuse. Not surprisingly, however, because
11 of the long-standing physician/patient relationship and the level of trust Plaintiff placed in
12 Dr. Heaps, Plaintiff continued to seek medical care from Defendant as detailed below. Only
13 after the criminal investigation was reported in the news did Plaintiff Doe 6 realize the
14 wrongfulness of Dr. Heaps' behavior during these examinations.

15 (a) On or about August 2, 2017, Dr. Heaps conducted a breast examination during a
16 routine visit, which Plaintiff Doe 6 now realizes was inappropriate, aggressive,
17 and sexual in nature. On information and belief, this breast examination was
18 not medically necessary as Plaintiff Doe 6 had recently received a mammogram.
19 No chaperone was present until a nurse entered the examination room after the
20 abusive conduct took place.

21 (b) On or about September 21, 2017, Plaintiff Doe 6 sought treatment from
22 Dr. Heaps, in his capacity as a gynecological oncologist, at which time she
23 informed Dr. Heaps of the full extent of injuries she sustained to her mid-
24 section when she was younger. Upon learning that Plaintiff Doe 6 did not have
25 significant sensation in her pelvic area, Dr. Heaps began engaging in what
26 Plaintiff Doe 6 now believes was unnecessary touching of Plaintiff's genitals.
27 Further, Dr. Heaps began recommending unnecessarily frequent visits and
28 examinations, purportedly to treat VIN (precancerous vulvar lesions) and

1 cervical dysplasia, but with what Plaintiff now believes was the intent to abuse
2 her with impunity at those visits. At this appointment, on or about September
3 21, 2017, no chaperone was present until a nurse entered the examination room
4 after the abusive conduct took place. After a nurse entered, she silently stood in
5 the corner of the examination room with her arms folded as Plaintiff Doe 6 was
6 subjected to a painful procedure to treat her VIN.

- 7 (c) On or about March 18, 2018, Dr. Heaps recommended and performed yet
8 another pelvic and breast examination, which involved touching that Plaintiff
9 Doe 6 now believes was sexual in nature and not medically necessary. In
10 apparent acknowledgment of his wrongdoing, Dr. Heaps awkwardly refused to
11 make eye contact with Plaintiff Doe 6 after her examination on that date. No
12 chaperone was present until a nurse entered the examination room after the
13 abusive conduct took place.
- 14 (d) On or about May 31, 2018, Dr. Heaps performed a pelvic examination that
15 involved inappropriate touching of Plaintiff Doe 6's pelvic area. No chaperone
16 was present until a nurse entered the examination room after the abusive
17 conduct took place.
- 18 (e) One week later, at her next appointment on or about June 5, 2018, Dr. Heaps
19 recommended and performed yet another pelvic and breast examination, which
20 involved touching that was sexual in nature and not medically necessary.
21 During this examination, a nurse entered the room, causing Dr. Heaps to jump
22 and revealing a guilty look on his face in another apparent acknowledgment of
23 his wrongdoing. When she left the examination room after dressing, Dr. Heaps
24 ambushed Plaintiff Doe 6 with a hug and squeezed her tightly. This embrace
25 was witnessed by a nurse who was visibly confused and uncomfortable.
- 26 (f) Dr. Heaps also recommended that Plaintiff Doe 6 undergo a hysterectomy,
27 which she has subsequently been told, in or about December 2018, was
28 unnecessary. In addition, Dr. Heaps told her that he had performed a partial

1 hysterectomy when, in fact, she later discovered, in or about December 2018,
2 that she had been given a total hysterectomy. Plaintiff Doe 6 has also now been
3 told that she did not need to be treated for VIN as aggressively as Dr. Heaps in
4 fact treated the condition. In other words, on information and belief, Plaintiff
5 Doe 6 did not need to undergo the frequent, very painful procedures that Dr.
6 Heaps performed to “treat” her VIN.

7 32. On further information and belief, on or about June 14, 2018 (only
8 approximately one week after Plaintiff Doe 6’s last appointment with Dr. Heaps) , Dr. Heaps
9 ceased providing services to patients through UCLA Health. On information and belief, on or
10 about June 19, 2018, UCLA Health sent a letter, authored by Dr. Deborah Krakow, MD,
11 Professor and Chair of the Department of Obstetrics and Gynecology and Professor of Human
12 Genetics and Orthopedic Surgery, David Geffen School of Medicine at UCLA, to patients of
13 Dr. Heaps. In that letter, Dr. Krakow stated that “[i]t is with mixed emotions that I announce
14 the retirement of Dr. James Heaps.” At the time that UCLA Health sent this notification letter
15 to patients of Dr. Heaps, UCLA Health was aware of specific allegations and of the then
16 ongoing California Medical Board Investigation of Dr. Heaps. Plaintiff Doe 6 received this
17 letter in or about June 2018

18 33. 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 6, other patients, and students.

24 34. 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 6 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 35. 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 36. The female chaperones who were in the room during Dr. Heaps' sexual battery
9 and harassment of Plaintiff Doe 6 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 at times witnessed) or
13 take any other reasonably expected actions to prevent or stop the misconduct, despite being
14 aware of the lack of medical necessity of Dr. Heaps' conduct towards Plaintiff Doe 6. Further,
15 on information and belief, the chaperones did not report Dr. Heaps' misconduct.

16 37. Plaintiff Doe 6 is now informed and believes, and based thereon alleges, that the
17 UC Regents further breached its duties owed to Plaintiff Doe 6 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 38. On information and belief, a nurse/chaperone employed at UCLA Health from
22 in or about 2003 until in or about 2016 was retained in that role the fact that she was – in or
23 about 2008– criminally charged with welfare fraud and perjury and pleaded guilty to welfare
24 fraud. On information and belief, during the time she was employed by the UC Regents, this
25 nurse/chaperone was also a defendant in a civil harassment suit. It is unclear why such an
26 individual would be retained in a position of trust, with access to private patient medical and
27 personal information. Nor is it clear why such a person would be called upon to act as a
28 chaperone and purportedly safeguard women's well-being and safety.

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

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

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

THE PARTIES

22 42. Plaintiff Jane Doe 6 currently resides in the County of Los Angeles, State of
23 California.

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

1 44. Plaintiff Doe 6 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 45. Plaintiff Doe 6 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 46. Plaintiff Doe 6 is ignorant of the true names of the female nurses/chaperones
10 that were in the room during Dr. Heaps' sexual battery and harassment of Plaintiff Doe 6, and
11 therefore sues these defendants as Roes 1-5. Upon information and belief, Plaintiff Doe
12 alleges that Roes 1-5 were nurses employed by the UC Regents. Plaintiff Doe 6 will amend
13 this Complaint to allege Defendants Roes 1-5's true names and capacities when it has been
14 ascertained or upon proof at trial. Plaintiff Doe 6 alleges that Roes 1-5 are legally responsible
15 in some manner for the occurrences and damages alleged herein and/or are jointly and
16 severally liable.

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

24 48. Plaintiff Doe 6 is informed and believes, and based thereon alleges, that at all
25 times relevant each of the defendants, including the Roe Defendants, was the agent, employee,
26 manager, supervisor, owner, servant and joint venturer of each of the remaining Defendants
27 and that in doing the things alleged, was acting within the course, scope and authority of such
28 agency, employment, supervision, management, ownership and joint venture, and with the

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

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

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

15 51. In the event that Dr. Heaps is convicted of felonies for the conduct alleged
16 herein, Plaintiff Doe 6 requests leave to amend this Complaint, such that a request for
17 attorneys' fees can be made against Dr. Heaps and Defendants pursuant to Code of Civil
18 Procedure § 1021.4.

JURISDICTION AND VENUE

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

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

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

FIRST CAUSE OF ACTION

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

28 || 55. Plaintiff Doe 6 incorporates Paragraphs 1 through 54 as though fully set forth

1 herein.

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

7 57. The Defendants were acting under the color of their authority and in the scope of
8 their employment, during the instances when Plaintiff Doe 6 was a patient at UCLA Health.

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

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

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

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

the minimum jurisdictional amount of this Court.

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

SECOND CAUSE OF ACTION

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

10 63. Plaintiff Doe 6 incorporates Paragraphs 1 through 62 as though fully set forth
11 herein.

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

15 65. During Plaintiff Doe 6's time as a patient at UCLA Health, Defendants engaged
16 in oppressive and unlawful tactics in abusing and harassing Plaintiff Doe 6, as well as
17 ignoring, concealing, and suppressing other patients' complaints of being sexually exploited
18 and abused by Dr. Heaps. These intentional acts of concealment of Dr. Heaps' abusive
19 behavior violated Plaintiff Doe's right to be free from discrimination on the basis of her
20 gender, under Cal. Civ. Code § 52.1.

21 66. Defendants' wrongful conduct was intended to, and did successfully interfere
22 with Plaintiff Doe 6's Constitutional Rights to be free from gender discrimination and
23 harassment, as well as interfered with her rights of Due Process under the United States'
24 Constitution, specifically the Fifth and Fourteenth Amendments.

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

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

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

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

15 70. In subjecting Plaintiff to the wrongful treatment described herein, Defendants
16 acted willfully and maliciously with the intent to harm Plaintiff, and in conscious disregard of
17 Plaintiff Doe 6's rights, entitling Plaintiff Doe 6 to compensatory damages in a sum to be
18 shown according to proof, emotional distress damages in a sum to be shown according to
19 proof, punitive and/or exemplary damages (with regard to Dr. Heaps), attorney's fees, other
20 damages pursuant to Civil Code section 52(b)(1), and a temporary restraining order or a
21 preliminary or permanent injunction ordering Defendants to refrain from conduct or activities
22 as alleged herein, stating "**VIOLATION OF THIS ORDER IS A CRIME PUNISHABLE**
23 **UNDER SECTION 422.77 OF THE PENAL CODE,**" and other such relief as the court deems
24 proper.

25 71. In subjecting Plaintiff Doe 6 to the wrongful treatment herein described,
26 Dr. Heaps acted willfully and maliciously with the intent to harm Plaintiff, and in conscious
27 disregard of Plaintiff Doe 6's Rights, so as to constitute malice and oppression under
28 California Civil Code section 3294. Plaintiff Doe 6 is therefore entitled to the recovery of

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

THIRD CAUSE OF ACTION

(Committing and Enabling Sexual Harassment against All Defendants:

Civil Code § 51.9)

72. Plaintiff Doe 6 incorporates Paragraphs 1 through 71 as though fully set forth herein.

73. During Plaintiff Doe 6's time as a patient at UCLA Health, Defendants intentionally, recklessly and wantonly committed, enabled, and omitted, acts which resulted in harmful and offensive contact with intimate parts of Plaintiff Doe's person, including but not limited to: sexual touching and molestation during multiple pelvic examinations and the groping and fondling of Plaintiff Doe 6's breasts, which Plaintiff Doe 6 has now come to understand were without medical justification, all under the supervision of Defendant the UC Regents. Chaperones who were at times present during this abuse sat silently as Plaintiff Doe was mistreated.

74. During Plaintiff Doe 6's time as a patient at UCLA Health, Defendants also intentionally, recklessly and wantonly made, and enabled, what Plaintiff Doe 6 has now come to understand were sexual and exploitative statements of a prurient nature, based on Plaintiff's gender that were unwelcome, pervasive and severe, all under the supervision of Defendant the UC Regents. Again, the female chaperones who were in the room at the time of Plaintiff Doe 6's examinations sat silently as Plaintiff Doe was subjected to these comments.

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

76. Because of Plaintiff Doe's relationships with Defendants Dr. Heaps and the UC Regents, Dr. Heaps' status as a prominent and highly compensated gynecologist employed by the Defendant UC Regents and promoted on the UCLA Health website as a highly skilled physician, and Plaintiff Doe 6's vulnerability as a gynecological patient, Plaintiff Doe was

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

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

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

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

23 80. Defendants’ conduct (and the conduct of their agents, servants and/or
24 employees) was a breach of their duties to Plaintiff Doe 6.

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

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

4 **FOURTH CAUSE OF ACTION**

5 **(Battery against All Defendants)**

6 82. Plaintiff Doe incorporates Paragraphs 1 through 81 as though fully set forth
7 herein.

8 83. During the course of treatment of Plaintiff Doe 6, Dr. Heaps used his powers and
9 abilities as a physician, and his knowledge and background and access to Plaintiff Doe 6, to
10 sexually batter Plaintiff Doe 6, knowing that she would be vulnerable to this type of sexual
11 battery. Dr. Heaps engaged in sexual touching and molestation during multiple pelvic
12 examinations and the groping and fondling of Plaintiff Doe 6's breasts, which Plaintiff Doe 6
13 now understands was without medical justification.

14 84. The female chaperones who were in the room during certain of these incidents
15 enabled the sexual battery and assault of Plaintiff Doe 6 by failing to reasonably perform their
16 duties as chaperones and failing to raise any alarms during Dr. Heaps' misconduct or take
17 any other reasonably expected actions to prevent the harm inflicted upon Plaintiff Doe 6.

18 85. Had Dr. Heaps not been in a position of power and authority over Plaintiff Doe 6
19 and had she not been treated by Defendants, she would have never permitted such sexual
20 contact by Dr. Heaps, which acts (she now understands) constituted a harmful or offensive
21 touching and battery upon her person.

22 86. Plaintiff Doe 6 did not consent to the sexualized touching and sexual contact.

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

1 witnessing Dr. Heaps' battery of Plaintiff Doe, the female chaperones were acting in the
2 course and scope of their employment with UCLA.

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

15 89. In doing the acts alleged herein, Dr. Heaps used the power and authority
16 conferred upon him by Defendant the UC Regents to get access to patients such as Plaintiff
17 Doe 6. It is predictable and foreseeable, given Defendants' knowledge of Dr. Heaps' prior
18 misconduct and its negligent supervision of Dr. Heaps, and failure put in place—or enforce—
19 safeguards to prevent foreseeable harm to female gynecological patients, that someone in Dr.
20 Heaps' position would abuse the power and authority the UC Regents conferred upon him by
21 engaging in assaultive conduct. As such, Dr. Heaps' conduct is incident to his agency with the
22 UC Regents, so as to be fairly attributable to them.

23 90. As a proximate result of the above, Plaintiff Doe 6 suffered damages as
24 otherwise alleged in this Complaint.

25 91. Dr. Heaps' conduct alleged herein was despicable, and was done willfully and/or
26 with a conscious disregard of Plaintiff's rights, and/or intentionally, or maliciously, or in
27 reckless disregard of the high probability of injury to Plaintiff and others. Defendants, and
28 each of them, were in a special relationship with Plaintiff Doe 6 by virtue of the fact that she

1 | was a patient at UCLA Health and receiving their services.

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

12 93. In subjecting Plaintiff Doe 6 to the wrongful treatment herein described,
13 Defendant Heaps acted willfully and maliciously with the intent to harm Plaintiff, and in
14 conscious disregard of Plaintiff Doe 6's rights, so as to constitute malice and oppression under
15 California Civil Code section 3294. Plaintiff Doe 6 is therefore entitled to the recovery of
16 punitive damages against Defendant Heaps, in an amount to be determined according to proof.

FIFTH CAUSE OF ACTION

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

19 94. Plaintiff Doe 6 incorporates Paragraphs 1 through 93 as though fully set forth
20 herein.

21 95. During Plaintiff Doe 6's time as a patient with Defendants, Dr. Heaps
22 intentionally, recklessly, and wantonly did acts which Plaintiff Doe 6 now understands were
23 intended to, and did, result in harmful and offensive contact with intimate parts of Plaintiff
24 Doe's person, including but not limited to: sexual touching and molestation during multiple
25 pelvic examinations and the groping and fondling of Plaintiff Doe 6's breasts, which she now
26 understands was without medical justification, all under the supervision of Defendant the UC
27 Regents. The female chaperones who were in the room during the visits enabled the sexual
28 battery and assault of Plaintiff Doe by failing to reasonably perform their duties as a

1 chaperone and failing to raise any alarms during Dr. Heaps' misconduct or take any other
2 reasonably expected actions to prevent the harm inflicted upon Plaintiff Doe 6.

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

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

11 98. Plaintiff Doe 6 did not consent to this sexualized touching and sexual contact.

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

18 100. At the time they were in the examination room and while they were witnessing
19 Dr. Heaps' battery of Plaintiff Doe 6, the female chaperones were acting in the course and
20 scope of their employment with UCLA.

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

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

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

13 103. As a proximate result of the above, Plaintiff Doe 6 suffered damages as
14 otherwise alleged in this Complaint. As a direct, legal, and proximate result of Dr. Heaps'
15 conduct, Plaintiff Doe 6 sustained serious and permanent injury to her person, all of his
16 damage in an amount to be shown according to proof and within the jurisdiction of the Court.

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

SIXTH CAUSE OF ACTION

(Intentional Infliction of Emotional Distress against All Defendants)

27 105. Plaintiff Doe 6 incorporates Paragraphs 1 through 104 as though fully set forth
28 herein.

1 106. The conduct of defendants UC Regents and Dr. Heaps toward Plaintiff Doe 6, as
2 described herein, was outrageous and extreme.

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

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

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

25 110. Defendants' conduct described herein was intentional and malicious and done
26 for the purpose of causing or with the substantial certainty that Plaintiff Doe 6 would suffer
27 humiliation, mental anguish, and emotional and physical distress.

28 111. As a result of the above-described conduct, Plaintiff Doe 6 has suffered and

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

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

SEVENTH CAUSE OF ACTION

(Negligent Infliction of Emotional Distress against all Defendants)

14 113. Plaintiff Doe 6 incorporates Paragraphs 1 through 112 as though fully set forth
15 herein.

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

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

26 116. A reasonable person would not expect or tolerate the Defendants, their agents,
27 servants, and/or employees to be incapable of supervising, preventing, and stopping Dr. Heaps
28 from committing wrongful sexual acts with patients, including Plaintiff Doe 6, or to be

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

10 117. Defendants had a special relationship with Plaintiff Doe 6 and/or had undertaken
11 an obligation to her that necessarily implicated Plaintiff Doe 6's emotional well-being.
12 Specifically, Defendants had a duty to take reasonable measures to prevent harm to Plaintiff
13 Doe 6.

14 118. There was an especially likely risk that Defendants' negligent actions and
15 inactions would cause serious emotional distress to Plaintiff Doe 6. Defendants' failure to
16 take reasonable steps to institute safeguards to prevent sexual abuse and harassment caused
17 Plaintiff Doe 6 tremendous harm.

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

EIGHTH CAUSE OF ACTION

(Negligent Supervision and Retention against UC Regents)

22 120. Plaintiff Doe 6 incorporates Paragraphs 1 through 119 as though fully set forth
23 herein.

24 121. By virtue of Plaintiff Doe 6's special relationship with the UC Regents as a
25 patient, and the UC Regents' relation to Dr. Heaps, Defendants owed Plaintiff Doe a duty not
26 to retain Dr. Heaps, given his dangerous and exploitative propensities, which Defendants
27 knew or should have known about.

28 ||| 122. Defendants expressly and implicitly represented that Dr. Heaps was a legitimate

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

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

9 124. The UC Regents were aware, or should have been aware, and understood how
10 vulnerable gynecological patients were to sexual harassment, sexual exploitation, molestation,
11 and abuse by physicians and other persons of authority within the control of the UC Regents
12 prior to Plaintiff Doe 6's sexual abuse and exploitation by Dr. Heaps. As a result, Defendant
13 UC Regents should have put in place appropriate safeguards to prevent foreseeable harm to
14 female gynecological patients, including imposition of a policy providing for the mandatory
15 presence of an independent, properly trained chaperone, to prevent, deter and report any
16 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.

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

26 126. The UC Regents were put on notice, and should have known, that Dr. Heaps had
27 previously engaged, and continued to engage, in unlawful sexual conduct with female patients,
28 and that it was foreseeable, or should have been foreseeable, that Dr. Heaps was engaging in,

1 or would engage in, misconduct directed towards Plaintiff Doe 6 and others, under the
2 protection of the authority, confidence, and trust bestowed upon him through the UC Regents,
3 their agents, servants, and employees.

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

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

13 129. The UC Regents' conduct in enabling Dr. Heaps to serially sexually assault his
14 female patients was a long-standing, gross, and inexcusable violation of the duty of care owed
15 to Plaintiff Doe 6.

16 130. Because the UC Regents:

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

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

2 131. The UC Regents, their agents, servants, and/or employees knew Dr. Heaps was
3 sexually exploiting, abusing, and harassing female patients and refused to 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 continue to interact with patients, including Plaintiff Doe 6.
8 The UC Regents, their agents, servants, and/or employees are thus responsible for Dr. Heaps'
9 acts of sexual exploitation, sexual assault, battery, and harassment.

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

NINTH CAUSE OF ACTION

(Negligent Ratification against the UC Regents)

19 133. Plaintiff Doe 6 incorporates Paragraphs 1 through 132 as though fully set forth
20 herein.

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

27 135. Defendants and each of them were agents, principals, joint venturers, partners,
28 representatives, servants, employees and/or co-conspirators of each of the other Defendants,

1 each Defendant condoned and ratified the conduct of all other defendants, and was at all times
2 mentioned herein acting within the course and scope of said agency and employment,
3 authority and ratification.

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

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

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

19 139. The UC Regents’ conduct in enabling Dr. Heaps to serially sexually assault his
20 female patients was a long-standing, gross, and inexcusable violation of the duty of care owed
21 to Plaintiff Doe 6.

22 140. Because the UC Regents:

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

1 exploit, abuse, and harass female patients by failing to take any of the above
2 action;

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

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

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

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

23 **TENTH CAUSE OF ACTION**

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

25 143. Plaintiff Doe 6 incorporates Paragraphs 1 through 142 as though fully set forth
26 herein.

27 144. Defendant UC Regents owed Plaintiff Doe 6 a duty to take reasonable protective
28 measures to safeguard Plaintiff and other female patients from the risk of sexual battery by

1 Dr. Heaps by properly warning, training or educating others, including their own medical
2 personnel, medical staff, administrators, and other agents, servants, and/or employees
3 (including chaperones) about how to avoid such a risk and what to do when such inappropriate
4 conduct is witnessed, reported, and/or discovered.

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

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

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

19 148. By breaching its duty, Defendant UC Regents unreasonably and wrongfully
20 exposed Plaintiff Doe 6 and other patients to sexual battery and abuse.

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

28

ELEVENTH CAUSE OF ACTION

(Ordinary Negligence against Defendants UC Regents and Roes)

150. Plaintiff Doe 6 incorporates Paragraphs 1 through 149 as though fully set forth herein.

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

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

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

10 154. For example, the chaperones who were in the room during Dr. Heaps' sexual
11 assault and harassment of Plaintiff Doe 6 acted negligently, in that they failed to reasonably
12 perform their duties as a chaperone and failed to act as a reasonably prudent person. The
13 chaperones failed to raise any alarms during Dr. Heaps' misconduct or take any other
14 reasonably expected actions to prevent the harm inflicted on Plaintiff Doe 6, despite the fact
15 that (a) the purpose of the chaperones was to protect Plaintiff Doe 6 and ensure that she was
16 comfortable and safe during the gynecological visit; and (b) the chaperones were aware of the
17 lack of medical necessity of Dr. Heaps' touching and questioning of Plaintiff Doe 6. Further,
18 the chaperones did not report Dr. Heaps' misconduct. At the time they were in the
19 examination room and while she was silently witnessing Dr. Heaps' infliction of harm to
20 Plaintiff Doe 6, the female chaperones were acting in the course and scope of their
21 employment with UCLA.

22 155. As a result of the above-described conduct, Plaintiff Doe 6 suffered and
23 continues to suffer great pain of mind and body, shock, emotional distress, physical
24 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace,
25 humiliation, and loss of enjoyment of life; has suffered and continues to suffer and was
26 prevented and will continue to be prevented from performing daily activities and obtaining the
27 full enjoyment of life; and has incurred and will continue to incur expenses for medical and
28 psychological treatment, therapy, and counseling.

TWELFTH CAUSE OF ACTION

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

156. Plaintiff Doe 6 incorporates Paragraphs 1 through 155 as though fully set forth herein.

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

158. Plaintiff Doe 6 is female.

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

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

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

1 attorney's fees.

2 **THIRTEENTH CAUSE OF ACTION**

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

4 162. Plaintiff Doe 6 incorporates Paragraphs 1 through 161 as though fully set forth
5 herein.

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

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

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

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

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

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

28 169. In doing so 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 6.
2 It is predictable and foreseeable, given Defendants' negligent supervision of Dr. Heaps, and
3 failure to 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,
6 Dr. Heaps' conduct is incident to his agency with the UC Regents, so as to be fairly
7 attributable to them.

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

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

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

FOURTEENTH CAUSE OF ACTION

27 173. Plaintiff Doe 6 incorporates Paragraphs 1 through 172 as though fully set forth
28 herein.

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

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

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

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

27 178. Plaintiff seeks restitution of all amounts improperly obtained by Defendants
28 through the use of the above-described unlawful, unfair and/or deceptive business practices, as

1 well as disgorgement of any ill-gotten gains on behalf of Plaintiff and all others similarly
2 situated.

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

FIFTEENTH CAUSE OF ACTION

(Constructive Fraud against all Defendants)

10 180. Plaintiff Doe 6 incorporates Paragraphs 1 through 179 as though fully set forth
11 herein.

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

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

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

- 22 (a) promptly and thoroughly investigate claims of sexual abuse or
23 harassment committed by its employees, agents, or affiliates (such as Dr.
24 Heaps) and reveal any such negative findings to Plaintiff, the community,
25 the Medical Board, and law enforcement;

26 (b) refuse to place Dr. Heaps in a position of trust and authority within the
27 UC Regents' controlled and affiliated institutions and facilities;

28 (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.

184. 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 6;
 - (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.”

185. Defendant made affirmative or implied representations and nondisclosures of
material facts about Dr. Heaps and his suitability to provide gynecological care to patients,

1 and knowingly and intentionally suppressed material facts about past allegations of
2 misconduct against Dr. Heaps that the UC Regents knew or should have known about.

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

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

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

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

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

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

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

25 193. Plaintiff was misled by Defendants' suppression and acts of concealment, and in
26 reliance thereon, was induced to act or not act as intended by Defendants. Specifically,
27 Plaintiff was induced to believe there were no allegations of prior misconduct against
28 Dr. Heaps and that he was safe to be around patients and students. Had Plaintiff known the

1 true facts about Dr. Heaps, she would not have seen him for gynecological or other medical
2 care, and she would have acted sooner in reporting him or pursuing her claims.

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

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

FOR ALL CAUSES OF ACTION

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

10 2. For costs of suit;

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

12 interest as allowed by law;

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

14 supervision of the UC Regents;

15 5. For attorneys' fees as provided by statute;

16 6. For punitive damages as to Dr. Heaps;

17 7. For restitution and disgorgement; and

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

20 | DATED: July 25, 2019

THEODORA ORINGHER PC

By: /s/ Jennifer J. McGrath

Jennifer J. McGrath

Attorney for Plaintiff JANE DOE 6

1
2 **DEMAND FOR TRIAL BY JURY**
3
4

Plaintiff Jane Doe 6 hereby demands a trial by jury in this action.

DATED: July 25, 2019

THEODORA ORINGHER PC

By: /s/ Jennifer J. McGrath

Jennifer J. McGrath

Attorney for Plaintiff JANE DOE 6