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

13 JANE DOE 7,
 14 Plaintiff,
 15 vs.
 16 THE REGENTS OF THE UNIVERSITY
 OF CALIFORNIA, a California
 17 government corporation, JAMES HEAPS,
 M.D., an individual; and ROES 1 through
 18 20, inclusive,
 19 Defendants.

COMPLAINT FOR: 19STCV26523

- (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 7,¹ an individual (“Plaintiff Doe 7” or “Plaintiff” or “Doe 7”) 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 7 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 sexually molested Doe 7 while performing a routine breast
15 examination, and made inappropriate comments regarding his personal sex life and Plaintiff’s
16 intimate body parts. Couched as “compliments,” Dr. Heaps’ statements were more akin to
17 those that would be made by a romantic partner and not those that ever would, or should, be
18 made by a clinician. Alone in the examination room with Dr. Heaps, Plaintiff Doe 7 felt
19 trapped and fearful.

20 4. On information and belief, Dr. Heaps had privileges at Ronald Reagan UCLA
21 Medical Center for thirty years, beginning in 1988, and provided services at UCLA Student
22 Health from 1983 to 2010. During his tenure as an employee of Defendant UC Regents,
23 Dr. Heaps was a very high earner for UCLA, ranking on the 2016 list of highest paid UC
24 employees, with an annual salary of \$1,182,265, as reported in an August 28, 2017 story in the
25 Sacramento Bee entitled, *All 35 of the University of California’s highest-paid employees in*
26 _____

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

1 2016 were men. Dr. Heaps was also apparently considered an OBGYN “to the stars,” who
2 was listed in the *Hollywood Reporter’s* annual *Best Doctors in Los Angeles* issue in 2015.

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

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

13 7. In addition, on information and belief, UCLA did not institute basic protections
14 in order to prevent sexual abuse of patients, including having independent, qualified, and
15 trained chaperones present during examinations and/or, if any such protocols were in place,
16 UCLA’s employees did not follow such protocols. Nor, on information and belief, did UCLA
17 train or supervise its employees so as to make them aware of how to intervene should any
18 medically unnecessary or inappropriate conduct occur, nor how to report such misconduct.

19 8. As described herein, on information and belief, one nurse/chaperone was
20 involved in criminal conduct during the time in which she was employed by UCLA and
21 eventually left her job with Dr. Heaps after voluntarily surrendering her nursing licenses as a
22 result of drug (including prescription drug) and alcohol abuse and DUI’s. The fact that UCLA
23 would hire and retain such an individual purportedly to watch over and care for female
24 patients is both highly troubling and actionable.

25 9. The UC Regents had a duty to its students and other patients using its services to
26 ensure that physicians employed by or affiliated with it, such as Dr. Heaps, used their
27 positions consistent with the standard of care and did not abuse and harass patients. The UC
28 Regents abrogated this duty. The UC Regents violated its students’ and patients’ trust by

1 knowingly exposing them to Dr. Heaps during medical treatments, knowing that inappropriate
2 physical contact and other harassment would occur. On information and belief, the UC
3 Regents actively and deliberately concealed Dr. Heaps’ sexual abuse for years, continuing to
4 grant Dr. Heaps unfettered access to female patients in order to protect UCLA’s reputation and
5 financial coffers.

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

14 11. Every woman should—of course—at all times be protected from sexual assault
15 and harassment; to be clear, however, Plaintiff Doe 7 is not one of Dr. Heaps’ powerful
16 Hollywood patients. She is the married mother of a young daughter.

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

22 13. Dr. Heaps has now been arrested and charged with multiple felony counts,
23 including in connection with alleged sexual battery of his patients. When Dr. Heaps was
24 arrested, and publicity with regard to his misconduct was all but inevitable, the UC Regents
25 changed course, then issuing a public statement contending that Dr. Heaps was “terminated”
26 and that UCLA has purportedly taken corrective action. This communication was circulated
27 to the UCLA “Campus Community” by the UCLA Chancellor and Vice Chancellor, UCLA
28 Health Services. This is a far cry from the previous communication to patients announcing

1 Dr. Heaps’ “retirement,” a communication that failed to alert the community to his misconduct
2 or offer any assistance or support to Plaintiff Doe 7 or other victims.

3 **BACKGROUND FACTS**

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

5 14. Dr. Heaps completed his internship and residency as an obstetrician-
6 gynecologist and a fellowship in gynecologic oncology at the UCLA School of Medicine from
7 1983–1989. Upon information and belief, beginning in the early 1990s, Dr. Heaps was in
8 private practice as an OBGYN at an office located at 100 Medical Plaza in Westwood. On
9 further information and belief, in or about February 2014, Dr. Heaps’ private practice was
10 acquired by the UC Regents and Dr. Heaps was hired by the UC Regents as a full-time
11 gynecologist at UCLA Health, with a purported specialty in gynecologic oncology.

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

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

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

28

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

2 18. UCLA holds itself out as a provider of high quality medical care for women,
3 stating on the UCLA Health website that it is one of the “premier providers of modern
4 medicine to the Los Angeles area and the nation” and that its Obstetrics and Gynecology
5 department is “dedicated to providing comprehensive and personal care for women.” UCLA
6 also publicly touts its purported “serious commitment to addressing and preventing sexual
7 violence and sexual harassment.”

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

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

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

27 22. In or about January 2015, during Dr. Heaps’ tenure at UCLA Health, a report of
28 sexually inappropriate conduct by Dr. Heaps was posted on Yelp, a public review website.

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

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

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

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

26 26. The UC Regents failed to take prompt action in response to complaints received
27 about Dr. Heaps, including the aforementioned complaints. Instead, to avoid negative
28 publicity, the UC Regents continued to provide Dr. Heaps unfettered access to patients,

1 including young female students at UCLA and female patients at UCLA Health.

2 **Plaintiff Doe 7 Is Sexually Battered and Harassed by Dr. Heaps**

3 **During Routine Gynecological Procedure**

4 27. On or about August 1, 2017, Plaintiff Doe 7 sought gynecological care from Dr.
 5 Heaps for the first time. During this appointment, Dr. Heaps engaged in behavior that was
 6 medically unnecessary and sexual in nature, including fondling and groping her breasts during
 7 an overly-lengthy breast examination. During the examination, Dr. Heaps also made
 8 inappropriate comments to Plaintiff Doe 7, including “complimenting” her about her
 9 anatomy. Dr. Heaps also discussed his personal sex life with Plaintiff, which was
 10 inappropriate and unwanted. These comments, especially in light of the simultaneous physical
 11 abuse, caused Plaintiff Doe 7 tremendous upset, embarrassment, and induced long-lasting
 12 feelings of shame and distress. Dr. Heaps’ behavior was sexual in nature and constituted
 13 sexual battery, sexual harassment, and other civil wrongs detailed herein.

14 28. On further information and belief, on or about June 14, 2018, Dr. Heaps ceased
 15 providing services to patients through UCLA Health. On information and belief, on or about
 16 June 19, 2018, UCLA Health sent a letter, authored by Dr. Deborah Krakow, MD, Professor
 17 and Chair of the Department of Obstetrics and Gynecology and Professor of Human Genetics
 18 and Orthopedic Surgery, David Geffen School of Medicine at UCLA, to patients of Dr. Heaps.
 19 In that letter, Dr. Krakow stated that “[i]t is with mixed emotions that I announce the
 20 retirement of Dr. James Heaps.” At the time that UCLA Health sent this notification letter to
 21 patients of Dr. Heaps, UCLA Health was aware of specific allegations and of the then ongoing
 22 California Medical Board Investigation of Dr. Heaps. Plaintiff Doe 7 received this letter in or
 23 about June 2018.

24 29. All of the actions of Dr. Heaps alleged in the following causes of action were
 25 ratified and approved by the officers or managing agents of the UC Regents. Further, the UC
 26 Regents had notice of Dr. Heaps’ unfitness in advance of his sexual battery and harassment of
 27 Plaintiff, yet failed to take corrective action to protect Plaintiff or other students or patients.
 28 Despite this notice, the UC Regents allowed Dr. Heaps to remain employed and left him in a

1 position where he could molest, batter, and harass Plaintiff Doe 7, other patients, and students.

2 30. The UC Regents condoned and ratified the conduct of Dr. Heaps by their
3 advance notice of Dr. Heaps’ unfitness at work, by their failure to make required reports of
4 suspected abuse, and by their failure to take immediate corrective action to protect Plaintiff
5 Doe 7 and other patients (including students) from further harm after reports—and formal
6 California Medical Board investigations—of Dr. Heaps’ sexual assault of patients.

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

14 32. Plaintiff Doe 7 is now informed and believes, and based thereon alleges, that the
15 UC Regents further breached its duties owed to Plaintiff Doe 7 and other patients by, among
16 other things, failing to conduct reasonable investigation and/or due diligence prior to hiring
17 individuals assigned to assist Dr. Heaps during the relevant time period, including those
18 charged with the important task of chaperoning gynecological examinations.

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

28 34. In addition, on information and belief, during the time in which she was

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

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

14 36. Dr. Heaps’ misconduct, the absence of appropriate chaperones—and the UC
15 Regents’ cover up—has resulted in tremendous harm to Plaintiff Doe. The physical and
16 psychological aftermath of her appointment with Dr. Heaps has been severe for Plaintiff Doe.
17 She has suffered from shock, humiliation, embarrassment and other forms of severe emotional
18 distress, both in the terrible moments when she was being assaulted by Dr. Heaps and in the
19 time since. This has resulted in sleeplessness, lack of focus, anxiety, flashbacks, and other
20 physical and psychological manifestations of the distress caused by Defendants’ egregious
21 acts.

22 **THE PARTIES**

23 37. Plaintiff Jane Doe 7 currently resides in the County of Los Angeles, State of
24 California.

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

1 learning.

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

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

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

17 42. Plaintiff Doe 7 is informed and believes, and based thereon alleges, that at all
18 times relevant each of the defendants, including the Roe Defendants, was the agent, employee,
19 manager, supervisor, owner, servant and joint venturer of each of the remaining Defendants
20 and that in doing the things alleged, was acting within the course, scope and authority of such
21 agency, employment, supervision, management, ownership and joint venture, and with the
22 consent and permission of each of the other Defendants. Unless otherwise indicated, all
23 Defendants, including the Roe Defendants, are collectively referred to herein as the
24 “Defendants.”

25 43. Plaintiff Doe 7 is informed and believes, and on that basis alleges, that, in
26 addition to its own independent conduct, UC Regents is vicariously liable for the acts,
27 misconduct, and omissions—both negligent and intentional—of Dr. Heaps and its other
28 employees pursuant to the doctrine of *respondeat superior* and Cal. Gov’t Code § 815.2. Dr.

1 Heaps, and others were acting in the course and scope of their employment at the time of the
2 allegations herein.

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

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

10 **JURISDICTION AND VENUE**

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

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

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

17 **FIRST CAUSE OF ACTION**

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

19 49. Plaintiff Doe 7 incorporates Paragraphs 1 through 48 as though fully set forth
20 herein.

21 50. Plaintiff Doe 7's civil rights were violated by Defendants when they abused and
22 harassed Plaintiff Doe 7 and when they intentionally and fraudulently concealed complaints of
23 sexual exploitation, sexual abuse, sexual harassment and molestation by Dr. Heaps from other
24 patients. Plaintiff had a right to be free from gender discrimination, sexual molestation, abuse
25 and harassment under the Unruh Civil Rights Act.

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

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

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

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

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

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

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

27 **SECOND CAUSE OF ACTION**

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

1 57. Plaintiff Doe 7 incorporates Paragraphs 1 through 56 as though fully set forth
2 herein.

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

6 59. During Plaintiff Doe 7's time as a patient at UCLA Health, Defendants engaged
7 in oppressive and unlawful tactics in abusing and harassing Plaintiff Doe 7, as well as
8 ignoring, concealing, and suppressing other patients' complaints of being sexually exploited
9 and abused by Dr. Heaps. Plaintiff was threatened, intimidated and coerced by Dr. Heaps'
10 intimidating and humiliating conduct during her assault, as well as the conspiratorial silence
11 and inaction of UCLA Health's staff. These intentional acts of concealment of Dr. Heaps'
12 abusive behavior violated Plaintiff Doe's right to be free from discrimination on the basis of
13 her gender, under Cal. Civ. Code § 52.1.

14 60. Defendants' wrongful conduct was intended to, and did successfully interfere
15 with Plaintiff Doe 7's Constitutional Rights to be free from gender discrimination and
16 harassment, as well as interfered with her rights of Due Process under the United States'
17 Constitution, specifically the Fifth and Fourteenth Amendments.

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

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

27 63. As a result of the above-described conduct, Plaintiff suffered and continues to
28 suffer great pain of mind and body, shock, emotional distress, physical manifestations of

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

6 64. In subjecting Plaintiff to the wrongful treatment described herein, Defendants
7 acted willfully and maliciously with the intent to harm Plaintiff, and in conscious disregard of
8 Plaintiff Doe 7's rights, entitling Plaintiff Doe 7 to compensatory damages in a sum to be
9 shown according to proof, emotional distress damages in a sum to be shown according to
10 proof, punitive and/or exemplary damages (with regard to Dr. Heaps), attorney's fees, other
11 damages pursuant to Civil Code section 52(b)(1), and a temporary restraining order or a
12 preliminary or permanent injunction ordering Defendants to refrain from conduct or activities
13 as alleged herein, stating "VIOLATION OF THIS ORDER IS A CRIME PUNISHABLE
14 UNDER SECTION 422.77 OF THE PENAL CODE," and other such relief as the court deems
15 proper.

16 65. In subjecting Plaintiff Doe 7 to the wrongful treatment herein described,
17 Dr. Heaps acted willfully and maliciously with the intent to harm Plaintiff, and in conscious
18 disregard of Plaintiff Doe 7's Rights, so as to constitute malice and oppression under
19 California Civil Code section 3294. Plaintiff Doe 7 is therefore entitled to the recovery of
20 punitive damages against Dr. Heaps, in an amount to be determined according to proof.

21 **THIRD CAUSE OF ACTION**

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

23 **Civil Code § 51.9)**

24 66. Plaintiff Doe 7 incorporates Paragraphs 1 through 65 as though fully set forth
25 herein.

26 67. During Plaintiff Doe 7's time as a patient at UCLA Health, Defendants
27 intentionally, recklessly and wantonly committed, enabled, and omitted, acts which resulted in
28 harmful and offensive contact with intimate parts of Plaintiff Doe's person, including but not

1 limited to: sexual touching, groping and fondling of Plaintiff Doe’s breasts, which were
2 without medical justification, all under the supervision of Defendant the UC Regents.

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

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

11 70. Because of Plaintiff Doe’s relationships with Defendants Dr. Heaps and the UC
12 Regents, Dr. Heaps’ status as a prominent and highly compensated gynecologist employed by
13 the Defendant UC Regents and promoted on the UCLA Health website as a highly skilled
14 physician, and Plaintiff Doe 7’s vulnerability as a gynecological patient, Plaintiff Doe was
15 unable to easily terminate the relationship she had with the Defendants.

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

19 72. Even though Defendant UC Regents knew or should have known of these
20 pervasive, illegal and inappropriate activities by Dr. Heaps, the UC Regents did nothing to
21 investigate, supervise or monitor Dr. Heaps to ensure the safety of the patients in their charge.
22 Nor did Defendant UC Regents put in place—or enforce—safeguards to prevent foreseeable
23 harm to female gynecological patients, including imposition of a 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 adequately (or at all) to hire appropriate chaperones or train
27 its employees and agents in how to recognize and report any sexual or medical battery or
28 harassment.

1 her person.

2 79. Plaintiff Doe 7 did not consent to the sexualized touching and sexual contact.

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

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

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

1 harmful and offensive contact with intimate parts of Plaintiff Doe’s person, including but not
2 limited to: sexual touching, groping and fondling of Plaintiff Doe’s breasts, which were
3 without medical justification, all under the supervision of Defendant the UC Regents

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

9 90. Had Dr. Heaps not been in a position of power and authority over Plaintiff Doe 7
10 and had she not been treated by Defendants, she would have never permitted such sexual
11 contact by Dr. Heaps.

12 91. Plaintiff Doe 7 did not consent to this sexualized touching and sexual contact.

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

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

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

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

11 95. As a proximate result of the above, Plaintiff Doe 7 suffered damages as
12 otherwise alleged in this Complaint. As a direct, legal, and proximate result of Dr. Heaps'
13 conduct, Plaintiff Doe 7 sustained serious and permanent injury to her person, all of his
14 damage in an amount to be shown according to proof and within the jurisdiction of the Court.

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

23 **SIXTH CAUSE OF ACTION**

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

25 97. Plaintiff Doe 7 incorporates Paragraphs 1 through 96 as though fully set forth
26 herein.

27 98. The conduct of defendants UC Regents and Dr. Heaps toward Plaintiff Doe 7, as
28 described herein, was outrageous and extreme.

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

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

11 101. A reasonable person would not expect or tolerate the Defendants, their agents,
12 servants, and/or employees to be incapable of supervising, preventing, and stopping Dr. Heaps
13 from committing wrongful sexual acts with patients, including Plaintiff Doe 7, or to be
14 incapable or unwilling to supervise Dr. Heaps.

15 102. Defendants’ conduct described herein was intentional and malicious and done
16 for the purpose of causing or with the substantial certainty that Plaintiff Doe 7 would suffer
17 humiliation, mental anguish, and emotional and physical distress.

18 103. As a result of the above-described conduct, Plaintiff Doe 7 has suffered and
19 continues to suffer great pain of mind and body, shock, emotional distress, physical
20 manifestations of emotional distress including embarrassment, loss of self-esteem, disgrace,
21 shame, humiliation, and loss of enjoyment of life; has suffered and continues to suffer and was
22 prevented and will continue to be prevented from performing daily activities and obtaining the
23 full enjoyment of life; and has incurred and will continue to incur expenses for medical and
24 psychological treatment, therapy, and counseling.

25 104. In subjecting Plaintiff Doe 7 to the wrongful treatment described herein,
26 Dr. Heaps acted willfully and maliciously with the intent to harm Plaintiff Doe 7, and in
27 conscious disregard of her rights, so as to constitute malice and oppression under California
28 Civil Code section 3294. Plaintiff Doe 7 is therefore entitled to recover punitive damages

1 against Defendant Heaps, in an amount to be determined by the court.

2 **SEVENTH CAUSE OF ACTION**

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

4 105. Plaintiff Doe 7 incorporates Paragraphs 1 through 104 as though fully set forth
5 herein.

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

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

16 108. A reasonable person would not expect or tolerate the Defendants, their agents,
17 servants, and/or employees to be incapable of supervising, preventing, and stopping Dr. Heaps
18 from committing wrongful sexual acts with patients, including Plaintiff Doe 7, or to be
19 incapable or unwilling to supervise Dr. Heaps.

20 109. Defendants had a special relationship with Plaintiff Doe 7 and/or had undertaken
21 an obligation to her that necessarily implicated Plaintiff Doe 7's emotional well-being.
22 Specifically, Defendants had a duty to take reasonable measures to prevent harm to Plaintiff
23 Doe 7.

24 110. There was an especially likely risk that Defendants' negligent actions and
25 inactions would cause serious emotional distress to Plaintiff Doe 7. Defendants' failure to
26 take reasonable steps to institute safeguards to prevent sexual abuse and harassment caused
27 Plaintiff Doe 7 tremendous harm.

28 111. Defendants' negligence was a substantial factor in causing Plaintiff Doe serious

1 emotional distress.

2 **EIGHTH CAUSE OF ACTION**

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

4 112. Plaintiff Doe 7 incorporates Paragraphs 1 through 111 as though fully set forth
5 herein.

6 113. By virtue of Plaintiff Doe 7's special relationship with the UC Regents as a
7 patient, and the UC Regents' relation to Dr. Heaps, Defendants owed Plaintiff Doe a duty not
8 to retain Dr. Heaps, given his dangerous and exploitative propensities, which Defendants
9 knew or should have known about.

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

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

19 116. The UC Regents were aware, or should have been aware, and understood how
20 vulnerable gynecological patients were to sexual harassment, sexual exploitation, molestation,
21 and abuse by physicians and other persons of authority within the control of the UC Regents
22 prior to Plaintiff Doe 7's sexual abuse and exploitation by Dr. Heaps. As a result, Defendant
23 UC Regents should have put in place appropriate safeguards to prevent foreseeable harm to
24 female gynecological patients, including imposition of a policy providing for the mandatory
25 presence of an independent, properly trained chaperone, to prevent, deter and report any
26 misconduct in the context of gynecological examinations and procedures. Defendant UC
27 Regents also failed adequately (or at all) to train its employees and agents in how to recognize
28 and report any sexual or medical battery or harassment.

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

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

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

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

23 121. The UC Regents’ conduct in enabling Dr. Heaps to serially sexually assault his
24 female patients was a long-standing, gross, and inexcusable violation of the duty of care owed
25 to Plaintiff Doe 7.

26 122. Because the UC Regents:

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

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

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

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

20 124. As a result of the above-described conduct, Plaintiff Doe 7 has suffered and
21 continues to suffer great pain of mind and body, shock, emotional distress, physical
22 manifestations of emotional distress including embarrassment, loss of self-esteem, disgrace,
23 shame, humiliation, and loss of enjoyment of life; has suffered and continues to suffer and was
24 prevented and will continue to be prevented from performing daily activities and obtaining the
25 full enjoyment of life; and has incurred and will continue to incur expenses for medical and
26 psychological treatment, therapy, and counseling.

27 **NINTH CAUSE OF ACTION**
28 **(Negligent Ratification against the UC Regents)**

1 125. Plaintiff Doe 7 incorporates Paragraphs 1 through 124 as though fully set forth
2 herein.

3 126. At all times relevant herein, each Defendant was the agent, partner, joint
4 venturer, representative, servant, employee and/or co-conspirator of each of the other
5 Defendants, and was at all times mentioned herein acting within the course and scope of said
6 agency and employment, and that all acts or omissions alleged herein were duly committed
7 with the ratification, knowledge, permission, encouragement authorization and consent of
8 each Defendant designated herein.

9 127. Defendants and each of them were agents, principals, joint venturers, partners,
10 representatives, servants, employees and/or co-conspirators of each of the other Defendants,
11 each Defendant condoned and ratified the conduct of all other defendants, and was at all times
12 mentioned herein acting within the course and scope of said agency and employment,
13 authority and ratification.

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

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

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

1 131. The UC Regents’ conduct in enabling Dr. Heaps to serially sexually assault his
2 female patients was a long-standing, gross, and inexcusable violation of the duty of care owed
3 to Plaintiff Doe 7.

4 132. Because the UC Regents:

- 5 (a) Had actual knowledge of the sexual exploitation, abuse, and harassment
6 being committed by Dr. Heaps;
- 7 (b) Failed to take action such as firing Dr. Heaps, reporting him to the police, or
8 reporting him to the California State Medical Board as mandated by Federal
9 Laws;
- 10 (c) Consciously and intentionally enabled Dr. Heaps to continue to sexually
11 exploit, abuse, and harass female patients by failing to take any of the above
12 action;
- 13 (d) Consciously and intentionally kept all of Dr. Heaps’ exploitative, abusive,
14 and harassing behaviors secret from patients and the public at large; and
- 15 (e) Failed to employ or train appropriate nurse/chaperones who could oversee
16 intimate examinations and report misbehavior.

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

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

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

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

5 **TENTH CAUSE OF ACTION**

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

7 135. Plaintiff Doe 7 incorporates Paragraphs 1 through 134 as though fully set forth
8 herein.

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

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

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

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

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

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

10 **ELEVENTH CAUSE OF ACTION**

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

12 142. Plaintiff Doe 7 incorporates Paragraphs 1 through 141 as though fully set
13 forth herein.

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

16 144. Defendants owed Plaintiff a duty of care to act.

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

19 146. As a result of the above-described conduct, Plaintiff Doe 7 suffered and
20 continues to suffer great pain of mind and body, shock, emotional distress, physical
21 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace,
22 humiliation, and loss of enjoyment of life; has suffered and continues to suffer and was
23 prevented and will continue to be prevented from performing daily activities and obtaining the
24 full enjoyment of life; and has incurred and will continue to incur expenses for medical and
25 psychological treatment, therapy, and counseling.

26 **TWELFTH CAUSE OF ACTION**

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

28 147. Plaintiff Doe 7 incorporates Paragraphs 1 through 146 as though fully set forth

1 herein.

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

9 149. Plaintiff Doe 7 is female.

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

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

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

26 **THIRTEENTH CAUSE OF ACTION**

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

28 153. Plaintiff Doe 7 incorporates Paragraphs 1 through 152 as though fully set forth

1 herein.

2 154. During Plaintiff’s time as a patient with Defendants, Dr. Heaps intended to cause
3 harmful or offensive contact with Plaintiff, or intended to put Plaintiff in imminent
4 apprehension of such conduct.

5 155. In doing the things herein alleged, Plaintiff was in imminent apprehension of a
6 harmful or offensive contact by Dr. Heaps and actually believed Dr. Heaps had the ability to
7 make harmful or offensive contact with Plaintiff.

8 156. Plaintiff did not consent to Dr. Heaps’ intended harmful or offensive contact, or
9 intent to put Plaintiff in imminent apprehension of such contact.

10 157. Dr. Heaps’ conduct was within the course and scope of his employment with
11 Defendants, and each of them, and was ratified by Defendants and each of them who had
12 advance notice of this misconduct.

13 158. Plaintiff suffered severe emotional distress and physical injury as a result of
14 Dr. Heaps’ misconduct and damages as otherwise alleged in this Complaint.

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

24 160. In doing so the acts alleged herein, Dr. Heaps used the power and authority
25 conferred upon him by Defendant UC Regents to get access to patients such as Plaintiff Doe 7.
26 It is predictable and foreseeable, given Defendants’ negligent supervision of Dr. Heaps, and
27 failure to put in place—or enforce—safeguards to prevent foreseeable harm to female
28 gynecological patients, that someone in Dr. Heaps’ position would abuse the power and

1 authority the UC Regents conferred upon him by engaging in assaultive conduct. As such,
2 Dr. Heaps' conduct is incident to his agency with the UC Regents, so as to be fairly
3 attributable to them.

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

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

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

20 **FOURTEENTH CAUSE OF ACTION**

21 **(Unfair Business Practices (Business & Professions Code § 17200) against All**
22 **Defendants)**

23 164. Plaintiff Doe 7 incorporates Paragraphs 1 through 163 as though fully set forth
24 herein.

25 165. Plaintiff is informed and believes, and on that basis alleges, that Defendants
26 have engaged in unlawful, unfair and/or deceptive business practices, including by allowing
27 Dr. Heaps to engage in repeated sexual abuse and harassment of patients, including Plaintiff,
28 and by failing to take all reasonable steps to prevent such sexual abuse and harassment from

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

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

17 167. By engaging in the unlawful, unfair, and/or deceptive business practices
18 described above, Defendants benefitted financially to the detriment of competitors and the
19 public.

20 168. Unless restrained, Defendants will continue to engage in the unlawful, unfair,
21 and/or deceptive business practices described above, resulting in irreparable harm to Plaintiff
22 and the public.

23 169. Plaintiff seeks restitution of all amounts improperly obtained by Defendants
24 through the use of the above-described unlawful, unfair and/or deceptive business practices, as
25 well as disgorgement of any ill-gotten gains on behalf of Plaintiff and all others similarly
26 situated.

27 170. Pursuant to Section 17203 of the California Business & Professions Code and
28 available equitable powers of the Court, Plaintiff is entitled to and seeks an injunction

1 enjoining Defendants from continuing their unlawful, unfair, and/or deceptive business
2 practices. Further, Plaintiff is entitled to recover reasonable attorneys' fees pursuant to the
3 California Business & Professions Code and California Code of Civil Procedure § 1021.5.

4 **FIFTEENTH CAUSE OF ACTION**

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

6 171. Plaintiff Doe 7 incorporates Paragraphs 1 through 170 as though fully set forth
7 herein.

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

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

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

- 18 (a) promptly and thoroughly investigate claims of sexual abuse or
19 harassment committed by its employees, agents, or affiliates (such as Dr.
20 Heaps) and reveal any such negative findings to Plaintiff, the
21 community, the Medical Board, and law enforcement;
- 22 (b) refuse to place Dr. Heaps in a position of trust and authority within the
23 UC Regents' controlled and affiliated institutions and facilities;
- 24 (c) refuse to hold Dr. Heaps out to Plaintiff, other patients, students, and the
25 community at large as being a trustworthy physician in good standing, a
26 faculty member, and authority figure; and
- 27 (d) promptly disclose to Plaintiff, UCLA students, and the community at
28 large the reasons for his "retirement" in June 2018.

- 1 175. On information and belief, Defendants breached their respective duties by:
- 2 (a) failing to promptly and thoroughly investigate claims of sexual abuse or
- 3 harassment against Dr. Heaps;
- 4 (b) failing to disclose to Plaintiff, UCLA students, and the community at
- 5 large the reasons for Dr. Heaps' retirement in June 2018;
- 6 (c) issuing no warnings about Dr. Heaps;
- 7 (d) permitting Dr. Heaps to routinely examine gynecological patients either
- 8 entirely unsupervised or supervised by untrained chaperones who were
- 9 derelict in their duty to report Dr. Heaps;
- 10 (e) failing to adopt policies that mandated the use of chaperones at all
- 11 gynecological visits or properly training their chaperones;
- 12 (f) hiring at least one nurse/chaperone who with a history of criminality and
- 13 who, on information and belief, had alcohol and prescription drug
- 14 addictions during the time in which she was rendering nurse and
- 15 chaperone services to patients, including Plaintiff Doe 7;
- 16 (g) continuing to assign Dr. Heaps to duties which placed him in positions
- 17 of trust and authority over other patients;
- 18 (h) continuing to impliedly represent that Dr. Heaps was safe and morally fit
- 19 to give medical care and provide gynecological treatment; and
- 20 (i) continuing to promote Dr. Heaps as a faculty member and trusted
- 21 physician on the UCLA School of Medicine website even after he had
- 22 forcibly "retired."

23 176. Defendant made affirmative or implied representations and nondisclosures of

24 material facts about Dr. Heaps and his suitability to provide gynecological care to patients,

25 and knowingly and intentionally suppressed material facts about past allegations of

26 misconduct against Dr. Heaps that the UC Regents knew or should have known about.

27 177. Given her need for medical treatment, and her trust and care in Defendants,

28 Plaintiff was vulnerable to Defendants.

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

3 179. Defendants' conduct did reasonably cause Plaintiff to forebear on her rights, and
4 Plaintiff justifiably relied upon Defendants for information about Dr. Heaps.

5 180. The misrepresentations, suppressions, and concealment of facts by Defendants
6 were intended to and were likely to mislead Plaintiff and others to believe that Defendants had
7 no knowledge of any misconduct by Dr. Heaps.

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

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

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

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

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

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DEMAND FOR TRIAL BY JURY

Plaintiff Jane Doe 7 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 7