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

14 JANE DOE 9,

15 Plaintiff,

16 vs.

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

20 Defendants.

COMPLAINT FOR: 19STCV29287

- (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) Sexual Assault
- (13) Constructive Fraud

DEMAND FOR JURY TRIAL

1 Plaintiff Jane Doe 9,¹ an individual (“Plaintiff Doe 9” or “Plaintiff” or “Doe 9”) 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 9 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. Beginning in or about 2011, Plaintiff sought gynecological treatment from Dr.
11 Heaps at the recommendation of her internist. At that time, Dr. Heaps diagnosed that Plaintiff
12 Doe 9 was suffering from endometriosis, a painful and debilitating uterine condition. Almost
13 from the outset of her time as a patient of Dr. Heaps, however, Dr. Heaps made what Plaintiff
14 Doe 9 now believes were inappropriate comments “complimenting” Plaintiff Doe 9 about her
15 body. Beginning in or about 2014 or 2015, Dr. Heaps also began repeatedly to examine
16 Plaintiff Doe 9’s breasts in what she now understands to be an abusive, sexual and medically
17 unnecessary manner. Plaintiff has likewise come to understand that Dr. Heaps also sexually
18 abused her during an overly-lengthy and aggressive transvaginal ultrasound procedure,
19 attempting to sexually stimulate her and gratify himself while also making inappropriate
20 comments about his own personal sex life.

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

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

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

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

18 7. In addition, on information and belief, UCLA did not institute basic protections
 19 in order to prevent sexual abuse of patients, including having independent, qualified, and
 20 trained chaperones present during examinations and/or, if any such protocols were in place,
 21 UCLA’s employees did not follow such protocols. Nor, on information and belief, did UCLA
 22 train or supervise its employees so as to make them aware of how to intervene should any
 23 medically unnecessary or inappropriate conduct occur, nor how to report such misconduct.
 24 Even though the abuse inflicted upon Plaintiff Doe 9 at times occurred in the presence of a
 25 chaperone, the chaperones—who, on information and belief were supervised by Dr. Heaps—did
 26 not act to stop the incident or report the incident to authorities. On the contrary, they made
 27 Plaintiff Doe 9 feel as though nothing was amiss and there was no reason for concern over any
 28 of Dr. Heaps’ conduct or comments.

1 8. As described herein, on information and belief, one nurse/chaperone in
2 particular had a history of criminality while employed at UCLA Health and eventually left her
3 job with Dr. Heaps after voluntarily surrendering her nursing licenses as a result of drug
4 (including prescription drug) and alcohol abuse and DUI's. The fact that UCLA would hire
5 and retain such an individual purportedly to watch over and care for female patients, is both
6 highly troubling and actionable.

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

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

24 11. Dr. Heaps' actions and the inaction of the UC Regents and its employees (both
25 before and after Plaintiff's horrific encounter with Dr. Heaps as described herein), have caused
26 Plaintiff Doe 9 tremendous and lasting harm, including feelings of fear and powerlessness,
27 symptoms of post-traumatic stress disorder, and other physical and emotional manifestations
28 of the severe emotional distress that she has suffered.

1 Dr. Heaps was a professor at the University of California Los Angeles David Geffen School of
2 Medicine from 1989 until 2018.

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

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

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

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

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

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

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

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

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

24 24. In or about early December 2017, a patient of Dr. Heaps complained to UCLA
25 in detail about the verbal and physical sexual harassment and abuse that she had been forced
26 to endure at the hands of Dr. Heaps. Nonetheless, UCLA chose to ratify Dr. Heaps’ conduct,
27 allowing him to continue practicing and seeing patients uninterrupted for the better part of a
28 year. Those patients—likely hundreds in number—were seeking routine care and were

1 unwittingly exposed to a serious threat of lasting harm. Notwithstanding these complaints—
 2 and despite being on notice of Dr. Heaps’ malfeasance—the UC Regents continued to employ
 3 or otherwise affiliate with Dr. Heaps and ratify his conduct, allowing him to maintain his
 4 practice and see patients, which he did until mid-2018.

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

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

13 **Plaintiff Doe 9 Is Sexually Battered and Harassed by Dr. Heaps**
 14 **During Routine Gynecological Procedures**

15 27. In or around 2011, Plaintiff Doe 9’s internist recommended that she seek
 16 treatment from Dr. Heaps. At the time, Dr. Heaps diagnosed Plaintiff Doe 9 with
 17 endometriosis, a condition in which the lining of the uterus grows outside of the uterus,
 18 causing pain and dysfunction. In fact, Dr. Heaps diagnosed Plaintiff Doe 9 with a large
 19 endometrioma, a benign ovarian cyst characteristic of endometriosis that causes infertility.
 20 Soon after she became a patient, Dr. Heaps performed a laparoscopic surgery on Plaintiff Doe
 21 9 to remove the endometrioma, which was successful and which caused Plaintiff Doe 9 to
 22 place a high level of trust in Dr. Heaps and his skills as a physician. Dr. Heaps went on to
 23 greatly abuse Plaintiff Doe 9’s trust by engaging in what she now understands to be
 24 inappropriate and medically unnecessary conduct.

25 28. During every appointment from in or about 2011 to late 2017, Dr. Heaps made
 26 comments to Plaintiff Doe 9—often couched as “compliments” about her physique and about
 27 her intimate body parts—which Plaintiff now believes were inappropriate and harassing.
 28 Moreover, after a few successive office visits in which Dr. Heaps continued to garner Plaintiff

1 Doe 9’s trust, in or about 2014 or 2015, Dr. Heaps also began to engage in what Plaintiff Doe
2 9 now understands to be sexual battery and harassment in the context of breast “exams” that
3 Dr. Heaps performed on her.

4 29. During the course of such exams at her appointments after in or about 2014 or
5 2015, Dr. Heaps would place both hands simultaneously on Plaintiff Doe 9’s breasts during
6 overly-lengthy exams and push and grope her breasts in a way that Plaintiff Doe 9 now
7 understands was for Dr. Heaps’ own sexual gratification. Dr. Heaps would also grab and
8 touch her nipples in an aggressive fashion. Dr. Heaps would also massage and rub Plaintiff
9 Doe 9’s arms in connection with these breast “exams.” There were, at times, nurses present
10 during these “exams” but those nurses never raised any alarm as to Dr. Heaps’ conduct or took
11 any action that caused Plaintiff Doe 9 to believe that Dr. Heaps was acting inappropriately.

12 30. On or about June 19, 2015, Plaintiff was treated by Carla Saldibar who was, on
13 information and belief, a physician’s assistant providing services at Dr. Heaps’ office. This
14 appointment was without incident. On or about July 1, 2016, however, Plaintiff Doe 9 had
15 another appointment with Dr. Heaps. At that appointment, Dr. Heaps again performed an
16 overly-lengthy breast “examination” during which he aggressively groped both breasts
17 simultaneously and “tweaked” her nipples in – what Plaintiff Doe 9 has come to understand—
18 was a sexual manner.

19 31. On or about September 8, 2017, Plaintiff Doe 9 had an appointment with a nurse
20 practitioner in Dr. Heaps’ office. The nurse practitioner began a transvaginal ultrasound, a
21 routine procedure which involves the insertion into the vagina of an ultrasound wave-
22 producing device, called a transducer, to produce images on a screen of the organs in the
23 pelvic region. At one point during the exam, the nurse practitioner stepped out and asked Dr.
24 Heaps to come and view the ultrasound screen. Dr. Heaps then took over performing the
25 transvaginal ultrasound procedure.

26 32. After Dr. Heaps took over performing the transvaginal ultrasound on Plaintiff
27 Doe 9, Dr. Heaps engaged in conduct that Doe 9 now understands to be grossly inappropriate
28 and sexual in nature, including an overly-lengthy exam in which Dr. Heaps aggressively used

1 the transducer so as to attempt to sexually stimulate Plaintiff Doe 9 and in which he touched
 2 her with his hand on various parts of her body, including rubbing her legs, arm and ankle in a
 3 way that Plaintiff Doe 9 now understands to have been inappropriate and abusive. During this
 4 transvaginal ultrasound examination, Dr. Heaps also asked Plaintiff Doe 9 about her sex life
 5 and replied to her responses with what Plaintiff now understands to be inappropriate
 6 comments about Dr. Heaps’ personal sex life, as well comments – couched as “compliments”
 7 – about her body. Plaintiff Doe 9 now believes that Dr. Heaps acted in this manner not out of
 8 medical necessity, but to gratify himself sexually. The nurse practitioner, who was still
 9 present in the room, did nothing to indicate that there was anything inappropriate happening
 10 and in no way acted to intervene or stop the abuse. The nurse practitioner’s lack of reaction to
 11 Dr. Heaps’ conduct lulled Plaintiff Doe 9 into believing that Dr. Heaps was acting in a
 12 medically appropriate manner.

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

22 34. All of the actions of Dr. Heaps alleged in the following causes of action were
 23 ratified and approved by the officers or managing agents of the UC Regents. Further, the UC
 24 Regents had notice of Dr. Heaps’ unfitness in advance of his sexual battery and harassment of
 25 Plaintiff, yet failed to take corrective action to protect Plaintiff or other students or patients.
 26 Despite this notice, the UC Regents allowed Dr. Heaps to remain employed and left him in a
 27 position where he could molest, batter, and harass Plaintiff Doe 9, other patients, and students.

28 35. The UC Regents condoned and ratified the conduct of Dr. Heaps by their

1 advance notice of Dr. Heaps’ unfitness at work, by their failure to make required reports of
 2 suspected abuse, and by their failure to take immediate corrective action to protect Plaintiff
 3 Doe 9 and other patients (including students) from further harm after reports—and formal
 4 California Medical Board investigations—of Dr. Heaps’ sexual assault of patients.

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

12 37. The female chaperones who were at times in the room during Dr. Heaps’ sexual
 13 battery and harassment of Plaintiff Doe 9 (including the nurse practitioner present at the
 14 September 2017 ultrasound) acted recklessly and negligently, in that they failed to reasonably
 15 perform their duties as a chaperone and failed to act with the ordinary care one would expect.
 16 The chaperones—on information and belief, employees of the UC Regents—failed to raise
 17 any alarms during Dr. Heaps’ misconduct (which they at times witnessed) or take any other
 18 reasonably expected actions to prevent or stop the misconduct, despite being aware of the lack
 19 of medical necessity of Dr. Heaps’ touching and comments to Plaintiff Doe 9. Further, on
 20 information and belief, the chaperones did not report Dr. Heaps’ misconduct.

21 38. Plaintiff Doe 9 is now informed and believes, and based thereon alleges, that the
 22 UC Regents further breached its duties owed to Plaintiff Doe 9 and other patients by, among
 23 other things, failing to conduct reasonable investigation and/or due diligence prior to hiring
 24 individuals assigned to assist Dr. Heaps during the relevant time period, including those
 25 charged with the important task of chaperoning gynecological examinations.

26 39. On information and belief, a nurse/chaperone who was employed by UCLA
 27 from in or about 2003 until in or about 2016 was retained despite the fact that she was – in or
 28 about 2008– criminally charged with welfare fraud and perjury and pleaded guilty to welfare

1 fraud. On information and belief, during the time she was employed by the UC Regents, this
2 nurse/chaperone was also a defendant in a civil harassment suit. It is unclear why such an
3 individual would be hired into a position of trust, with access to private patient medical and
4 personal information. Nor is it clear why such a person would be called upon to act as a
5 chaperone and purportedly safeguard women’s well-being and safety.

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

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

20 42. Dr. Heaps’ misconduct, the chaperones’ silence and inaction—and the UC
21 Regents’ cover up—has resulted in tremendous harm to Plaintiff Doe 9. The physical and
22 psychological aftermath of her appointment with Dr. Heaps has been severe for Plaintiff. She
23 has suffered from shock, humiliation, embarrassment and other forms of severe emotional
24 distress. This has resulted in sleeplessness, lack of focus, anxiety, flashbacks, and other
25 physical and psychological manifestations of the distress caused by Defendants’ egregious
26 acts.

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THE PARTIES

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2 43. Plaintiff Jane Doe 9 currently resides in the County of Riverside, State of
3 California.

4 44. Defendant UC Regents is, and at all times relevant hereto was, a California
5 Corporation having its principal place of business in the State of California. Upon information
6 and belief, the UC Regents is the governing body of the University of California and exercises
7 the ultimate dominion and control of the same. UCLA is an educational institution of higher
8 learning.

9 45. Plaintiff Doe 9 is informed and believes, and on that basis alleges, that UC
10 Regents owned, operated, and maintained UCLA Health, through which medical services
11 were provided to Plaintiff Doe, pursuant to licenses issued by the California State Department
12 of Health and provided health care as healthcare facilities.

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

17 47. Plaintiff Doe 9 is ignorant of the true name of the female nurses/chaperones that
18 were in the room during Dr. Heaps' sexual battery and harassment of Plaintiff Doe 9, and
19 therefore sues these defendants as Roes 1-5. Upon information and belief, Plaintiff Doe
20 alleges that Roes 1-5 were nurses employed by the UC Regents. Plaintiff Doe 9 will amend
21 this Complaint to allege Defendants Roes 1-5's true names and capacities when it has been
22 ascertained or upon proof at trial. Plaintiff Doe 9 alleges that Roes 1-5 are legally responsible
23 in some manner for the occurrences and damages alleged herein and/or are jointly and
24 severally liable.

25 48. Plaintiff Doe 9 is ignorant of the true names and capacities of defendants sued as
26 Roe Nos. 6 through 20, inclusive, and sues these Roe defendants by these fictitious names.
27 Plaintiff Doe 9 will amend this Complaint to allege their true names and capacities when they
28 have been ascertained or upon proof at trial. Plaintiff Doe 9 alleges that each of the

1 fictitiously named Roe defendants is legally responsible in some manner for the occurrences
2 and damages alleged herein and/or is jointly and severally liable for the obligations of the
3 other defendants.

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

12 50. Plaintiff Doe 9 is informed and believes, and on that basis alleges, that, in
13 addition to its own independent conduct, UC Regents is vicariously liable for the acts,
14 misconduct, and omissions—both negligent and intentional—of Dr. Heaps and its other
15 employees, including but not limited to the female chaperones who were at times in the
16 examination room at the time of Dr. Heaps’ examinations of Plaintiff Doe 9—as more
17 particularly described above, pursuant to the doctrine of *respondeat superior* and Cal. Gov’t
18 Code § 815.2. Dr. Heaps, the female chaperone, and others were acting in the course and
19 scope of their employment at the time of the allegations herein.

20 51. Once the 90 day wait period pursuant to CCP 364 expires without resolution,
21 Plaintiff Doe intends to amend her complaint to add a claim of professional negligence against
22 Defendants.

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

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1 **JURISDICTION AND VENUE**

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

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

6 55. At least some of the wrongful acts alleged herein occurred in the County of Los
7 Angeles; thus venue is properly in the County of Los Angeles.

8 **FIRST CAUSE OF ACTION**

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

10 56. Plaintiff Doe 9 incorporates Paragraphs 1 through 55 as though fully set forth
11 herein.

12 57. Plaintiff Doe 9’s civil rights were violated by Defendants when they abused and
13 harassed Plaintiff Doe 9 and when they intentionally and fraudulently concealed complaints of
14 sexual exploitation, sexual abuse, sexual harassment and molestation by Dr. Heaps from other
15 patients. Plaintiff had a right to be free from gender discrimination, sexual molestation, abuse
16 and harassment under the Unruh Civil Rights Act.

17 58. The Defendants were acting under the color of their authority and in the scope of
18 their employment, during the instances when Plaintiff Doe 9 was a patient at UCLA Health.

19 59. The Defendants denied Plaintiff full and equal accommodations, advantages,
20 facilities, privileges and healthcare services because of her gender, by allowing Dr. Heaps
21 unfettered access to sexually abuse Plaintiff Doe 9, by and through his position of authority as
22 a UCLA Health gynecologist, by actively concealing from Plaintiff the knowledge that
23 Dr. Heaps was a serial sexual predator, which the UC Regents enabled and which conduct the
24 UC Regents ratified.

25 60. By employing and retaining Dr. Heaps as a gynecologist at UCLA Health,
26 despite their knowledge of reports of Dr. Heaps’ sexually abusive nature, Defendants exposed
27 female patients, including Plaintiff Doe 9, to Dr. Heaps’ sexual abuse and harassment.
28 Defendants’ retention of Dr. Heaps denied Plaintiff Doe, and all of their other female patients,

1 full and equal access to safe medical facilities, treatment and services, based upon their
2 gender.

3 61. The substantial motivating reason for the UC Regents’ conduct of actively
4 concealing numerous complaints of Dr. Heaps’ sexually abusive nature was Plaintiff’s gender,
5 as Defendants knew that only its female patients would seek gynecological treatment from
6 Defendant Heaps and, thus, would be unwittingly subjected to his sexual assault, battery and
7 harassment.

8 62. As a direct and proximate result of Defendants’ tortious acts, omissions,
9 wrongful conduct and breaches of their duties, Plaintiff has suffered substantial general,
10 special, and consequential damage in an amount to be proven at trial, but in no event less than
11 the minimum jurisdictional amount of this Court.

12 63. As a further direct and proximate result of Defendants’ collective and concerted
13 wrongful actions, as herein alleged, Plaintiff Doe 9 has been hurt in her health, strength and
14 activity. Plaintiff has sustained permanent and continuing injury to her nervous systems and
15 person, which has caused and continues to cause great mental and physical pain, suffering,
16 fright, upset, grief, worry and shock in an amount according to proof at trial but in no event
17 less than the jurisdictional minimum requirements of this Court.

18 **SECOND CAUSE OF ACTION**

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

20 64. Plaintiff Doe 9 incorporates Paragraphs 1 through 63 as though fully set forth
21 herein.

22 65. Defendants’ actions, as alleged herein, have had and will continue to interfere
23 with Plaintiff Doe 9’s right to be free from gender discrimination in the form of sexual
24 harassment, codified under Cal. Civ. Code § 52.1.

25 66. During Plaintiff Doe 9’s time as a patient at UCLA Health, Defendants engaged
26 in oppressive and unlawful tactics in abusing and harassing Plaintiff Doe 9, as well as
27 ignoring, concealing, and suppressing other patients’ complaints of being sexually exploited
28 and abused by Dr. Heaps. These intentional acts of concealment of Dr. Heaps’ abusive

1 behavior violated Plaintiff Doe 9's right to be free from discrimination on the basis of her
2 gender, under Cal. Civ. Code § 52.1.

3 67. Defendants' wrongful conduct was intended to, and did successfully interfere
4 with Plaintiff Doe 9's Constitutional Rights to be free from gender discrimination and
5 harassment, as well as interfered with her rights of Due Process under the United States'
6 Constitution, specifically the Fifth and Fourteenth Amendments.

7 68. Defendants unlawfully and wrongfully used, or employed others to wrongfully
8 use, threats, intimidation, harassment, violence, and coercion over Plaintiff's person, to which
9 Plaintiff, who did not have knowledge that the conduct in which Defendants were engaging
10 was not medically necessary, had no relief except to submit to the Defendants' wrongful
11 threats, intimidation, harassment, violence, and coercion, which rendered Plaintiff's
12 submission involuntary.

13 69. Defendants' above-noted actions were the legal and proximate causes of
14 physical, psychological, and emotional damages to Plaintiff Doe 9, who has suffered and
15 continue to suffer to this day. The actions of Defendants have also resulted in Plaintiff Doe 9
16 incurring, and will require her to incur into the future, expenses for medical and psychological
17 treatment, therapy, and counseling.

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

25 71. In subjecting Plaintiff to the wrongful treatment described herein, Defendants
26 acted willfully and maliciously with the intent to harm Plaintiff, and in conscious disregard of
27 Plaintiff Doe 9's rights, entitling Plaintiff Doe 9 to compensatory damages in a sum to be
28 shown according to proof, emotional distress damages in a sum to be shown according to

1 proof, punitive and/or exemplary damages (with regard to Dr. Heaps), attorney’s fees, other
2 damages pursuant to Civil Code section 52(b)(1), and a temporary restraining order or a
3 preliminary or permanent injunction ordering Defendants to refrain from conduct or activities
4 as alleged herein, stating “VIOLATION OF THIS ORDER IS A CRIME PUNISHABLE
5 UNDER SECTION 422.77 OF THE PENAL CODE,” and other such relief as the court deems
6 proper.

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

12 **THIRD CAUSE OF ACTION**

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

14 **Civil Code § 51.9)**

15 73. Plaintiff Doe 9 incorporates Paragraphs 1 through 72 as though fully set forth
16 herein.

17 74. During Plaintiff Doe 9’s time as a patient at UCLA Health, Defendants
18 intentionally, recklessly and wantonly committed, enabled, and omitted, acts which resulted in
19 harmful and offensive contact with intimate parts of Plaintiff Doe 9’s person, including but not
20 limited to: sexual touching and molestation during breast exams and a transvaginal ultrasound
21 procedure, which Plaintiff Doe 9 has now come to understand was, without medical
22 justification, all under the supervision of Defendant the UC Regents. Female chaperones who
23 were at times in the room during Plaintiff Doe 9’s examinations by Dr. Heaps sat silently as
24 Plaintiff Doe was mistreated.

25 75. During Plaintiff Doe 9’s time as a patient at UCLA Health, Defendants also
26 intentionally, recklessly and wantonly made, and enabled, what plaintiff Doe 9 has now come
27 to understand were sexual and exploitative statements of a prurient nature, based on Plaintiff’s
28 gender that were unwelcome, pervasive and severe, all under the supervision of Defendant the

1 UC Regents. Again, the female chaperones who were at times in the room during Plaintiff
2 Doe 9’s examinations sat silently as Plaintiff Doe 9 was subjected to these comments.

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

7 77. Because of Plaintiff Doe 9’s relationships with Defendants Dr. Heaps and the
8 UC Regents, Dr. Heaps’ status as a prominent and highly compensated gynecologist employed
9 by the Defendant UC Regents and promoted on the UCLA Health website as a highly skilled
10 physician, and Plaintiff Doe 9’s vulnerability as a gynecological patient, Plaintiff Doe 9 was
11 unable to easily terminate the relationship she had with the Defendants.

12 78. Because of Dr. Heaps’ status, position of authority, physical seclusion of
13 Plaintiff Doe 9, her mental and emotional state, vulnerable position and the fact that she did
14 not understand that Dr. Heaps’ conduct was not medically necessary she was unable to, did
15 not, and could not, give consent to such acts.

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

26 80. With regard specifically to the liability hereunder of Defendant UC Regents, a
27 corporation is a “person” within the meaning of Civil Code Section 51.9, which subjects
28 persons to liability for sexual harassment within a business, service or professional

1 relationship, and such an entity defendant may be held liable under this Statute for the acts of
2 its employees. *C.R. v. Tenet Healthcare Corp.*, 169 Cal.App.4th 1094 (2009). Further,
3 principles of ratification apply when the principal ratifies the agent’s originally unauthorized
4 harassment, as is alleged to have occurred herein.

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

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

14 **FOURTH CAUSE OF ACTION**

15 **(Battery against All Defendants)**

16 83. Plaintiff Doe 9 incorporates Paragraphs 1 through 82 as though fully set forth
17 herein.

18 84. During the course of treatment of Plaintiff Doe 9, Dr. Heaps used his powers and
19 abilities as a physician, and his knowledge and background and access to Plaintiff Doe 9, to
20 sexually batter Plaintiff Doe 9, knowing that she would be vulnerable to this type of sexual
21 battery. Dr. Heaps engaged in sexual touching (including touching designed to sexually
22 stimulate Plaintiff Doe 9) during transvaginal ultrasound procedure and breast “examinations”
23 which Plaintiff Doe 13 has now come to understand was without medical justification.

24 85. The female chaperones who were in the room during the visits enabled the
25 sexual battery of Plaintiff Doe 9 by failing to reasonably perform their duties as chaperones
26 and failing to raise any alarms during Dr. Heaps’ misconduct or take any other reasonably
27 expected actions to prevent the harm inflicted upon Plaintiff Doe 9.

28 86. Had Dr. Heaps not been in a position of power and authority over Plaintiff Doe 9

1 and had she not been treated by Defendants, she would have never permitted such sexual
2 contact by Dr. Heaps, which acts (she now understands) constituted a harmful or offensive
3 touching and battery upon her person.

4 87. Plaintiff Doe 9 did not consent to the sexualized touching and sexual contact.

5 88. Dr. Heaps' conduct was within the course and scope of his employment with
6 Defendants, and each of them, and was ratified by Defendants and each of them who had
7 advance notice of this misconduct. All of the conduct occurred during the course and scope of
8 Dr. Heaps' employment at UCLA. Plaintiff suffered severe emotional distress and physical
9 injury as a result of Dr. Heaps' misconduct and damages as otherwise alleged in this
10 complaint. In addition, at the time she was in the examination room and while she was
11 witnessing Dr. Heaps' battery of Plaintiff Doe, the female chaperones were acting in the
12 course and scope of their employment with UCLA.

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

25 90. In doing the acts alleged herein, Dr. Heaps used the power and authority
26 conferred upon him by Defendants the UC Regents to get access to patients such as Plaintiff
27 Doe 9. It is predictable and foreseeable, given Defendants' knowledge of Dr. Heaps' prior
28 misconduct and its negligent supervision of Dr. Heaps, and failure put in place—or enforce—

1 safeguards to prevent foreseeable harm to female gynecological patients, that someone in Dr.
2 Heaps' position would abuse the power and authority the UC Regents conferred upon him by
3 engaging in assaultive conduct. As such, Dr. Heaps' conduct is incident to his agency with the
4 UC Regents, so as to be fairly attributable to them.

5 91. As a proximate result of the above, Plaintiff Doe 9 suffered damages as
6 otherwise alleged in this Complaint.

7 92. Dr. Heaps' conduct alleged herein was despicable, and was done willfully and/or
8 with a conscious disregard of Plaintiff's rights, and/or intentionally, or maliciously, or in
9 reckless disregard of the high probability of injury to Plaintiff and others. Defendants, and
10 each of them, were in a special relationship with Plaintiff Doe 9 by virtue of the fact that she
11 was a patient at UCLA Health and receiving their services.

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

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

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1 **FIFTH CAUSE OF ACTION**

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

3 95. Plaintiff Doe 9 incorporates Paragraphs 1 through 94 as though fully set forth
4 herein.

5 96. During Plaintiff Doe 9’s time as a patient with Defendants, Dr. Heaps
6 intentionally, recklessly, and wantonly did acts which Plaintiff Doe 9 now understands were
7 intended to, and did, result in harmful and offensive contact with intimate parts of Plaintiff
8 Doe 9’s person, including but not limited to: sexual touching (including touching designed to
9 sexually stimulate Plaintiff Doe 9) during transvaginal ultrasound procedure and breast
10 “examinations” which Plaintiff Doe 9 has now come to understand was without medical
11 justification, all while Dr. Heaps acted in the course and scope of his employment with the UC
12 Regents. The female chaperones who were at times in the room during the visits enabled the
13 sexual battery and assault of Plaintiff Doe 9 by failing to reasonably perform their duties as a
14 chaperone and failing to raise any alarms during Dr. Heaps’ misconduct or take any other
15 reasonably expected actions to prevent the harm inflicted upon Plaintiff Doe 9.

16 97. Dr. Heaps did the aforementioned acts with the intent to cause a harmful or
17 offensive contact with an intimate part of Plaintiff Doe 9’s person that would offend a
18 reasonable sense of personal dignity. Further, said acts did cause a harmful or offensive
19 contact with an intimate part of Plaintiff Doe 9’s person that would offend a reasonable sense
20 of personal dignity.

21 98. Had Dr. Heaps not been in a position of power and authority over Plaintiff Doe 9
22 and had she not been treated by Defendants, she would have never permitted such sexual
23 contact by Dr. Heaps.

24 99. Plaintiff Doe 9 did not consent to this sexualized touching and sexual contact.

25 100. Dr. Heaps’ conduct was within the course and scope of his employment with
26 Defendants, and each of them, and was ratified by Defendants and each of them who had
27 advance notice of this misconduct. All of the conduct occurred during the course and scope of
28 Dr. Heaps’ employment at UCLA. Plaintiff suffered severe emotional distress and physical

1 injury as a result of Dr. Heaps' misconduct and damages as otherwise alleged in this
2 complaint.

3 101. At the time she was in the examination room and while they were witnessing
4 Dr. Heaps' battery of Plaintiff Doe 9, the female chaperones were acting in the course and
5 scope of their employment with UCLA.

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

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

26 104. As a proximate result of the above, Plaintiff Doe 9 suffered damages as
27 otherwise alleged in this Complaint. As a direct, legal, and proximate result of Dr. Heaps'
28 conduct, Plaintiff Doe 9 sustained serious and permanent injury to her person, all of his

1 damage in an amount to be shown according to proof and within the jurisdiction of the Court.

2 105. Plaintiff Doe 9 is informed and believes and based thereon alleges that the
3 conduct of Dr. Heaps was oppressive, malicious, and despicable in that it was intentional and
4 done in conscious disregard for the rights and safety of others, and was carried out with a
5 conscious disregard of Plaintiff Doe 9’s right to be free from tortious behavior, such as to
6 constitute oppression, fraud, or malice pursuant to California Civil Code section 3294,
7 entitling Plaintiff Doe 9 to punitive damages against Dr. Heaps in an amount appropriate to
8 punish and set an example of Dr. Heaps and send a cautionary message to others similarly
9 situated.

10 **SIXTH CAUSE OF ACTION**

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

12 106. Plaintiff Doe 9 incorporates Paragraphs 1 through 105 as though fully set forth
13 herein.

14 107. The conduct of defendants UC Regents and Dr. Heaps toward Plaintiff Doe 9, as
15 described herein, was outrageous and extreme.

16 108. A reasonable person would not expect or tolerate the sexual harassment,
17 exploitation, molestation, and abuse of Plaintiff Doe 9 by Dr. Heaps, nor tolerate or expect the
18 UC Regents’ knowledge of, and callous indifference to, the abuse. Plaintiff Doe 9 had great
19 faith, trust, and confidence in Defendants, which, by virtue of their wrongful conduct, has now
20 turned to fear, shame, and humiliation.

21 109. 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 9, which enabled Dr. Heaps to have access to
24 Plaintiff Doe 9 so that he could commit wrongful sexual acts, including the conduct described
25 herein.

26 110. 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 9, 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 9's comfort and safety during
3 a gynecological exam would sit idly by and not say anything while Plaintiff Doe 9 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 the
7 presence of the silent chaperone has now further exacerbated Plaintiff Doe 9's extreme
8 embarrassment and harm as she was subjected to what she now understands to be misconduct
9 with a silent audience.

10 111. Defendants' conduct described herein was intentional and malicious and done
11 for the purpose of causing or with the substantial certainty that Plaintiff Doe 9 would suffer
12 humiliation, mental anguish, and emotional and physical distress.

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

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

25 **SEVENTH CAUSE OF ACTION**

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

27 114. Plaintiff Doe 9 incorporates Paragraphs 1 through 113 as though fully set forth
28 herein.

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

6 116. 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 9, which enabled Dr. Heaps to have access to
9 Plaintiff Doe 9 so that he could commit wrongful sexual acts, including the conduct described
10 herein.

11 117. 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 9, or to be
14 incapable or unwilling to supervise Dr. Heaps. A reasonable person would not expect a
15 chaperone whose presence was supposed to ensure Plaintiff Doe 9's comfort and safety during
16 a gynecological exam would sit idly by and not say anything while Plaintiff Doe 9 was being
17 sexually abused by a physician. A reasonable person would not expect that UCLA would not
18 vet its nurse/chaperones to determine whether they have criminal histories and remove them
19 from their positions when it is clear that they have alcohol and drug dependencies. Indeed
20 looking back now on what she understands to be sexual abuse, the presence of the silent
21 chaperone has further exacerbated Plaintiff Doe 9's extreme embarrassment and harm as she
22 was subjected to the misconduct with a silent audience.

23 118. Defendants had a special relationship with Plaintiff Doe 9 and/or had undertaken
24 an obligation to her that necessarily implicated Plaintiff Doe 9's emotional well-being.
25 Specifically, Defendants had a duty to take reasonable measures to prevent harm to Plaintiff
26 Doe 9.

27 119. There was an especially likely risk that Defendants' negligent actions and
28 inactions would cause serious emotional distress to Plaintiff Doe 9. Defendants' failure to

1 take reasonable steps to institute safeguards to prevent sexual abuse and harassment caused
2 Plaintiff Doe 9 tremendous harm.

3 120. Defendants' negligence was a substantial factor in causing Plaintiff Doe 9
4 serious emotional distress.

5 **EIGHTH CAUSE OF ACTION**

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

7 121. Plaintiff Doe 9 incorporates Paragraphs 1 through 120 as though fully set forth
8 herein.

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

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

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

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

1 misconduct in the context of gynecological examinations and procedures. Defendant UC
2 Regents also failed adequately (or at all) to train its employees and agents in how to recognize
3 and report any sexual or medical battery or harassment.

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

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

17 128. The UC Regents were placed on actual or constructive notice that Dr. Heaps had
18 molested or was molesting female patients during his employment. Defendants had
19 knowledge of inappropriate conduct, exploitation, and serial molestations committed by
20 Dr. Heaps during his employment, yet chose to allow him to interact with patients, including
21 Plaintiff Doe 9.

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

26 130. The UC Regents’ conduct in enabling Dr. Heaps to serially sexually assault his
27 female patients was a long-standing, gross, and inexcusable violation of the duty of care owed
28 to Plaintiff Doe 9.

1 131. Because the UC Regents:

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

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

15 132. The UC Regents, their agents, servants, and/or employees knew Dr. Heaps was
16 sexually exploiting, abusing, and harassing female patients and refused to take any action to
17 stop him. Moreover, the UC Regents, their agents, servants, and/or employees hid this
18 information so Dr. Heaps could continue to work for UCLA, its clinics and facilities. With
19 knowledge of Dr. Heaps' sexual misconduct, no disciplinary action was taken by the UC
20 Regents and he was allowed to continue to interact with patients, including Plaintiff Doe 9.
21 The UC Regents, their agents, servants, and/or employees are thus responsible for Dr. Heaps'
22 acts of sexual exploitation, sexual assault, battery, and harassment.

23 133. As a result of the above-described conduct, Plaintiff Doe 9 has suffered and
24 continues to suffer great pain of mind and body, shock, emotional distress, physical
25 manifestations of emotional distress including embarrassment, loss of self-esteem, disgrace,
26 shame, humiliation, and loss of enjoyment of life; has suffered and continues to suffer and was
27 prevented and will continue to be prevented from performing daily activities and obtaining the
28 full enjoyment of life; and has incurred and will continue to incur expenses for medical and

1 psychological treatment, therapy, and counseling.

2 **NINTH CAUSE OF ACTION**

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

4 134. Plaintiff Doe 9 incorporates Paragraphs 1 through 133 as though fully set forth
5 herein.

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

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

17 137. The UC Regents learned Dr. Heaps had molested or was molesting female
18 patients during his employment. Defendants had knowledge of inappropriate conduct, and
19 exploitation committed by Dr. Heaps during his employment, yet chose to allow him to
20 continue interacting with patients, including Plaintiff Doe 9.

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

25 139. In fact, on information and belief, Defendant UC Regents knowingly hired at
26 least one individual which the UC Regents knew or should have known had a history of
27 criminality and fraud, and who—during the course of her employment as a nurse/chaperone in
28 Dr. Heaps’ office—was arrested multiple times for DUI’s stemming from alcohol and

1 prescription drug abuse. Defendant UC Regents thus further failed in their duty to provide
2 appropriate and skilled staff who could properly oversee intimate examinations and protect
3 female patients.

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

7 141. Because the UC Regents:

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

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

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

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

18 (e) Failed to employ or train appropriate nurse/chaperones who could oversee
19 intimate examinations and report misbehavior.

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

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

1 prescription drug abuse. Defendant UC Regents thus further failed in their duty to provide
2 appropriate and skilled staff who could properly oversee intimate examinations and protect
3 female patients.

4 149. By breaching its duty, Defendant UC Regents unreasonably and wrongfully
5 exposed Plaintiff Doe 9 and other patients to sexual battery and abuse.

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

13 **ELEVENTH CAUSE OF ACTION**

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

15 151. Plaintiff Doe 9 incorporates Paragraphs 1 through 150 as though fully set
16 forth herein.

17 152. Defendants committed the negligent acts and/or negligent failures to act, as set
18 forth above, and those acts caused the emotional and physical harm endured by Plaintiff Doe
19 9.

20 153. Defendants owed Plaintiff a duty of care to act.

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

23 155. For example, the chaperones who were at times in the room during Dr. Heaps'
24 sexual assault and harassment of Plaintiff Doe 9 acted negligently, in that they failed to
25 reasonably perform their duties as a chaperone and failed to act as a reasonably prudent
26 person. The chaperones failed to raise any alarms during Dr. Heaps' misconduct or take any
27 other reasonably expected actions to prevent the harm inflicted on Plaintiff Doe 9, despite the
28 fact that (a) the purpose of the chaperone) was to protect Plaintiff Doe 9 and ensure that she

1 was comfortable and safe during the gynecological visit; and (b) the chaperones were aware of
2 the lack of medical necessity of Dr. Heaps' touching and questioning of Plaintiff Doe 9.
3 Further, the chaperones did not report Dr. Heaps' misconduct. At the time they were in the
4 examination room and while she was silently witnessing Dr. Heaps' infliction of harm to
5 Plaintiff Doe 9, the female chaperones were acting in the course and scope of their
6 employment with UCLA.

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

14 **TWELFTH CAUSE OF ACTION**

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

16 157. Plaintiff Doe 9 incorporates Paragraphs 1 through 156 as though fully set forth
17 herein.

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

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

24 160. Plaintiff did not consent to Dr. Heaps' intended harmful or offensive contact, or
25 intent to put Plaintiff in imminent apprehension of such contact.

26 161. Dr. Heaps' conduct was within the course and scope of his employment with
27 Defendants, and each of them, and was ratified by Defendants and each of them who had
28 advance notice of this misconduct.

1 162. Plaintiff suffered severe emotional distress and physical injury as a result of
2 Dr. Heaps' misconduct and damages as otherwise alleged in this complaint.

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

12 164. In doing so the acts alleged herein, Dr. Heaps used the power and authority
13 conferred upon him by Defendant UC Regents to get access to patients such as Plaintiff Doe 9.
14 It is predictable and foreseeable, given Defendants' negligent supervision of Dr. Heaps, and
15 failure to put in place—or enforce—safeguards to prevent foreseeable harm to female
16 gynecological patients, that someone in Dr. Heaps' position would abuse the power and
17 authority the UC Regents conferred upon him by engaging in assaultive conduct. As such,
18 Dr. Heaps' conduct is incident to his agency with the UC Regents, so as to be fairly
19 attributable to them.

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

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

1 167. Plaintiff Doe 9 is informed and based thereon alleges that the conduct of
2 Dr. Heaps was oppressive, malicious, and despicable in that it was intentional and done in
3 conscious disregard for the rights and safety of others, and was carried out with a conscious
4 disregard for Plaintiff Doe 9's right to be free from tortious behavior, such as to constitute
5 oppression, fraud, or malice pursuant to California Civil Code section 3294, entitling Plaintiff
6 Doe 9 to punitive damages against Dr. Heaps in an amount appropriate to punish and set an
7 example of Dr. Heaps and send a cautionary message to others similarly situated.

8 **THIRTEENTH CAUSE OF ACTION**

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

10 168. Plaintiff Doe 9 incorporates Paragraphs 1 through 167 as though fully set forth
11 herein.

12 169. 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.

17 170. 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.

20 171. By virtue of their confidential, fiduciary, and special relationship with Plaintiff,
21 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
25 community, 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

1 community at large as being a trustworthy physician in good standing, a
2 faculty member, and authority figure; and

3 (d) promptly disclose to Plaintiff, UCLA students, and the community at
4 large the reasons for his “retirement” in June 2018.

5 172. On information and belief, Defendants breached their respective duties by:

6 (a) failing to promptly and thoroughly investigate claims of sexual abuse or
7 harassment against Dr. Heaps;

8 (b) failing to disclose to Plaintiff, UCLA students, and the community at
9 large the reasons for Dr. Heaps’ retirement in June 2018;

10 (c) issuing no warnings about Dr. Heaps;

11 (d) permitting Dr. Heaps to routinely examine gynecological patients either
12 entirely unsupervised or supervised by untrained chaperones who were
13 derelict in their duty to report Dr. Heaps;

14 (e) failing to adopt policies that mandated the use of chaperones at all
15 gynecological visits or properly training their chaperones;

16 (f) hiring at least one nurse/chaperone with a history of criminality and who,
17 on information and belief, had alcohol and prescription drug addictions
18 during the time in which she was rendering nurse and chaperone services
19 to patients, including Plaintiff Doe 9;

20 (g) continuing to assign Dr. Heaps to duties which placed him in positions
21 of trust and authority over other patients;

22 (h) continuing to impliedly represent that Dr. Heaps was safe and morally fit
23 to give medical care and provide gynecological treatment; and

24 (i) continuing to promote Dr. Heaps as a faculty member and trusted
25 physician on the UCLA School of Medicine website even after he had
26 forcibly “retired.”

27 173. Defendant made affirmative or implied representations and nondisclosures of
28 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.

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

5 175. 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.

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

9 177. 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.

12 178. 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.

14 179. 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.

21 180. 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.

25 181. 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.

3 182. 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.

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

8 **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.

19
20 DATED: August 16, 2019 THEODORA ORINGHER PC

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22
23 By: /s/ Jennifer J. McGrath
24 Jennifer J. McGrath
25 Attorney for Plaintiff JANE DOE 9
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DEMAND FOR TRIAL BY JURY

Plaintiff Jane Doe 9 hereby demands a trial by jury in this action.

DATED: August 16, 2019 THEODORA ORINGER PC

By: /s/ Jennifer J. McGrath
Jennifer J. McGrath
Attorney for Plaintiff JANE DOE 9