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 Superior Court of California  
 County of Los Angeles

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Sherri R. Carter, Executive Officer/Clerk of Court  
 By: Cristina Grijalva, Deputy

7 Attorneys for Plaintiffs  
 8 JANE DOE 37, JANE DOE 38, JANE DOE 39, JANE DOE 40, JANE DOE 41,  
 9 JANE DOE 42, JANE DOE 43, JANE DOE 44, JANE DOE 45 and  
 10 JANE DOE 46

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

13 JANE DOE 37, an individual; JANE DOE  
 14 38, an individual; JANE DOE 39, an  
 15 individual; JANE DOE 40, an individual;  
 16 JANE DOE 41, an individual; JANE DOE  
 17 42, an individual; JANE DOE 43, an  
 18 individual; JANE DOE 44, an individual;  
 19 JANE DOE 45, an individual; JANE DOE  
 20 46, an individual,

21 Plaintiffs,

22 v.

23 THE REGENTS OF THE UNIVERSITY OF  
 24 CALIFORNIA, a California government  
 25 corporation; JAMES HEAPS, M.D., an  
 26 individual; and ROES 1 through 20,  
 27 inclusive,

28 Defendants.

Case No. 20STCV14766  
*Unlimited Jurisdiction*

**FIRST AMENDED COMPLAINT FOR:**

- (1) Violations of Unruh Act - (Civil Code § 51)
- (2) Violations of Bane Act - (Civil Code § 52.1)
- (3) Violations of Personal Rights - (Civil Code § 51.9)
- (4) Battery
- (5) Sexual Battery
- (6) Intentional Infliction of Emotional Distress
- (7) Negligent Infliction of Emotional Distress
- (8) Negligent Supervision and Retention
- (9) Negligent Ratification
- (10) Negligent Failure to Warn, Train, or Educate
- (11) Negligence
- (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**



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 14 JANE DOE 42, JANE DOE 43, JANE DOE 44, JANE DOE 45 and  
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 22 42, an individual; JANE DOE 43, an  
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- (15) Constructive Fraud

**DEMAND FOR JURY TRIAL**

1 Plaintiffs Jane Doe 37 (“Doe 37”), Jane Doe 38 (“Doe 38”), Jane Doe 39 (“Doe 39”),  
2 Jane Doe 40 (“Doe 40”), Jane Doe 41 (“Doe 41”), Jane Doe 42 (“Doe 42”), Jane Doe 43  
3 (“Doe 43”), Jane Doe 44 (“Doe 44”), Jane Doe 45 (“Doe 45”) and Jane Doe 46 (“Doe 46”)  
4 (collectively “Plaintiffs”),<sup>1</sup> who are individuals, hereby complain against Defendants Regents  
5 of the University of California (“UC Regents”), a California government corporation; Dr.  
6 James Heaps (“Dr. Heaps”), an individual; and Roes 1 through 20, and allege as follows:

7 **GENERAL**

8 1. This case involves an egregious breach of trust and medical ethics by  
9 Defendants. Plaintiffs were gynecological patients at UCLA Health (“UCLA Health” or  
10 “UCLA”) and/or at facilities owned and controlled by UCLA when they were sexually  
11 abused, molested, and harassed at the hands of serial sexual predator Defendant Dr. Heaps.

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

16 3. Using his position as an obstetrician-gynecologist (“OB-GYN”), Dr. Heaps  
17 engaged in horrific action – preying upon Plaintiffs, who sought routine gynecological and  
18 oncology care. Especially as Plaintiffs had, in some cases, suffered for many years with  
19 gynecological and breast cancers and other illnesses, they became extremely reliant on  
20 Dr. Heaps for their care and placed their complete trust and confidence in him and in his  
21 purported medical practices.

22 4. Shamefully, Plaintiffs are now informed and believe that the UC Regents and  
23 Dr. Heaps also profited financially from the sexual abuse, harassment, and mistreatment  
24 which Plaintiffs endured. On information and belief, Dr. Heaps had dual motives for this  
25 conduct – financial gain from fraudulent overbilling and the opportunity to sexually abuse  
26

27 <sup>1</sup> Plaintiffs, as victims of sexual abuse, are identified herein using pseudonyms in order to preserve  
28 their 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 Plaintiffs. On information and belief, as discussed throughout, it is clear that the UC Regents  
2 were willing – and did – protect Dr. Heaps from being exposed as a sexual predator because  
3 the Regents profited to the tune of millions of dollars from this gross misconduct.

4         5.         On information and belief, Dr. Heaps had privileges at Ronald Reagan UCLA  
5 Medical Center for thirty years, beginning in 1988, and provided services at UCLA Student  
6 Health from 1983 to 2010. During his tenure as an employee of Defendant UC Regents,  
7 Dr. Heaps was a very high earner for UCLA, ranking on the 2016 list of highest paid UC  
8 employees, with an annual salary of \$1,182,265, as reported in an August 28, 2017 story in  
9 the Sacramento Bee entitled, *All 35 of the University of California’s highest-paid employees*  
10 *in 2016 were men*. Dr. Heaps was also apparently considered an OB-GYN “to the stars,”  
11 who was listed in the Hollywood Reporter’s annual Best Doctors in Los Angeles issue in  
12 2015.

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

17         7.         In fact, UCLA allowed Dr. Heaps to continue to examine female gynecological  
18 patients despite a history of similar of knowledge of complaints of misconduct and abuse,  
19 including, on information and belief, (1) a California Medical Board (“CME”) investigation  
20 in the late 1990’s relating to sexual misconduct with a patient during which the CME – with  
21 the knowledge of at least one of Dr. Heaps’ supervisors – came to Dr. Heaps’ office and took  
22 photographs; (2) a California Medical Board investigation in 2014 (at or near the time that  
23 UCLA apparently acquired Dr. Heaps’ practice), which, on information and belief, involved  
24 allegations of sexual misconduct during a patient examination; (3) at least one claim that  
25 Dr. Heaps sexually harassed and molested a UCLA student that was posted online in a public  
26 forum in early 2015; (4) a highly credible report in January 2017 from a UCLA Health  
27 employee herself certified to chaperone intimate examinations at UCLA (who went to  
28 Dr. Heaps as a patient) that Dr. Heaps had sexually molested and harassed her and (5) and

1 UCLA Health’s own internal investigation (largely concluded by January 2018) that found  
2 that Dr. Heaps had sexually assaulted and sexually harassed a gynecological patient.

3         8.         In addition, on information and belief, UCLA did not institute basic protections  
4 in order to prevent sexual abuse of patients, including having independent, qualified, and  
5 trained chaperones present during examinations and/or, if any such protocols were in place,  
6 UCLA’s employees did not follow such protocols. Nor, on information and belief, did  
7 UCLA train or supervise its employees so as to make them aware of how to intervene should  
8 any medically unnecessary or inappropriate conduct occur, nor how to report such  
9 misconduct. As stated above, even though the abuse inflicted upon Plaintiffs at times  
10 occurred in the presence of a chaperone, the chaperones – who, on information and belief  
11 were supervised by Dr. Heaps – did not act to stop the incidents or report the incidents to  
12 authorities.

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

23         10.        On information and belief, in or about late June 2018, Dr. Heaps was forced to  
24 resign. UCLA, however, again chose to protect itself and Dr. Heaps and keep this incident  
25 (and others known to it) under wraps. In or about mid-June 2018, UCLA sent a letter to  
26 patients of Dr. Heaps, stating that “it is with mixed emotions” that UCLA announces  
27 Dr. Heaps’ “retirement.” UCLA then continued to feature Dr. Heaps on the webpages of  
28 UCLA Health and of the David Geffen School of Medicine for nearly a year following,

1 allowing Dr. Heaps and UCLA to save face in the community, a community unwittingly  
2 exposed to a sexual predator by Defendants.

3 11. Dr. Heaps' actions and the inaction of the UC Regents and its employees (both  
4 before and after Plaintiffs' horrific encounters with Dr. Heaps as described herein), have  
5 caused Plaintiffs tremendous and lasting harm, including feelings of fear and powerlessness,  
6 symptoms of post-traumatic stress disorder, and other physical and emotional manifestations  
7 of the severe emotional distress that they have suffered.

8 12. Dr. Heaps has now been arrested and charged with multiple felony counts,  
9 including in connection with alleged sexual battery of his patients. When Dr. Heaps was  
10 arrested, and publicity with regard to his misconduct was all but inevitable, the UC Regents  
11 changed course, then issuing a public statement contending that Dr. Heaps was "terminated"  
12 and that UCLA has purportedly taken corrective action. This communication was circulated  
13 to the UCLA "Campus Community" by the UCLA Chancellor and Vice Chancellor, UCLA  
14 Health Services. This is a far cry from the previous communication to patients announcing  
15 Dr. Heaps' "retirement," a communication that failed to alert the community to his  
16 misconduct or offer any assistance or support to Plaintiffs or other victims.

17 13. Only when Dr. Heaps' arrest became public, did Plaintiffs come to understand  
18 what had been done to them by Dr. Heaps' misconduct and UCLA's inaction. Only in the  
19 last few months have Plaintiffs come to realize that they were subjected to abuse during  
20 routine examinations and that Dr. Heaps' conduct in those exams was inappropriate and of a  
21 sexual nature, including molesting them during routine examinations and procedures.

## 22 **BACKGROUND FACTS**

### 23 **Defendant Dr. Heaps Provides Gynecological Services to UCLA Patients**

24 14. Dr. Heaps completed his internship and residency as an obstetrician-  
25 gynecologist and a fellowship in gynecologic oncology at the UCLA School of Medicine  
26 from 1983–1989. Upon information and belief, beginning in the early 1990s, Dr. Heaps was  
27 in private practice as an OB-GYN at an office located at 100 Medical Plaza in Westwood.  
28 On further information and belief, in or about February 2014, Dr. Heaps' private practice

1 was acquired by the UC Regents and Dr. Heaps was hired by the UC Regents as a full-time  
2 gynecologist at UCLA Health, with a purported specialty in gynecologic oncology.

3 15. On further information and belief, Dr. Heaps had privileges at Ronald Reagan  
4 UCLA Medical Center from 1988 to 2018, where he performed procedures and provided  
5 services to hospitalized female patients. On further information and belief, Dr. Heaps was a  
6 professor at the University of California Los Angeles David Geffen School of Medicine from  
7 1989 until 2018.

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

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

17 18. At all times herein alleged, both Dr. Heaps and UCLA Health held Dr. Heaps  
18 out as a UCLA-affiliated physician (and an employee and/or agent of UCLA). Patients and  
19 the public – including Plaintiffs—reasonably believed that Dr. Heaps was a UCLA Health  
20 physician and employed by UCLA for numerous reasons, including that: (1) as least as early  
21 as 2010, Dr. Heaps had a webpage devoted to him on the UCLA Health website  
22 ([www.uclahealth.org/jamesheaps](http://www.uclahealth.org/jamesheaps)); (2) on information and belief, as least as early as 2010,  
23 Dr. Heaps was listed in the UCLA Health System Physician Directory; (3) on information  
24 and belief, the UCLA Health Physician Referral Service referred patients to Dr. Heaps for  
25 gynecological and oncology care; (4) Dr. Heaps used the UCLA emblem and other indicia of  
26 his affiliation with UCLA in his practice; (5) Dr. Heaps had an office location on the UCLA  
27 campus; (6) UCLA physicians referred patients to Dr. Heaps and, on information and belief,  
28 told patients that he was “part of UCLA”; (7) Dr. Heaps provided gynecological services at

1 UCLA Student Health between 1983 and 2010 ; and (8) Dr. Heaps was a Professor at the  
2 David Geffen School of Medicine at UCLA from 1989 to 2018.

3 **UCLA Turns a Blind Eye to Sexual Abuse, Harassment, and**  
4 **Fraudulent Overbilling of Patients by Dr. Heaps**

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

11 20. During Dr. Heaps’ tenure at UCLA, however, Plaintiffs are informed and  
12 believe, and on this basis allege, that Dr. Heaps sexually abused and molested a number of  
13 his female patients, including Plaintiffs, through the use of his position and authority as a  
14 full-time gynecologist employed by the UC Regents.

15 21. It is unclear whether the UC Regents did any independent investigation of  
16 Dr. Heaps or his background when they sought to employ him to provide gynecological  
17 services to female patients at UCLA Student Health, at his office, at Ronald Reagan UCLA  
18 Medical Center and/or at any other facilities owned or controlled by the UC Regents. It is  
19 likewise unknown to Plaintiffs what background information the UC Regents sought from  
20 Dr. Heaps in advance of his practice being acquired by the UC Regents in 2014.

21 22. Plaintiffs are informed and believe, and on this basis allege, however, that the  
22 California Medical Board investigated Dr. Heaps in or about 2014 – during, on information  
23 and belief – a time in which Dr. Heaps’ practice was being acquired by UCLA and when he  
24 was being hired as an employee of the UC Regents (the “2014 Medical Board  
25 Investigation”). On information and belief, the 2014 Medical Board Investigation arose from  
26 an allegation that Dr. Heaps acted in a medically inappropriate and sexual manner during a  
27 patient examination. On information and belief, the UC Regents had knowledge that the  
28 2014 Medical Board Investigation was taking place at the time that it was ongoing. On



1 information and belief, the UC Regents failed to take corrective action.

2           23. In or about January 2015, during Dr. Heaps' tenure at UCLA Health, a report  
3 of sexually inappropriate conduct by Dr. Heaps was posted on Yelp, a public review website.  
4 The young woman who posted on Yelp stated that the misconduct she alleged, which  
5 included Dr. Heaps groping her breast and making inappropriate comments during a post-  
6 operative appointment with her, had occurred several years prior to her Yelp post and while  
7 she was a UCLA student. The woman who posted on Yelp detailed her experience with this  
8 harassment and molestation by Dr. Heaps and its aftermath, stating that, "7 years later, I still  
9 feel violated."

10           24. Subsequent to the 2014 Medical Board Investigation, and despite the existence  
11 of at least one accusation of sexual misconduct on a public website, as detailed above,  
12 Dr. Heaps continued to practice as a UCLA gynecologist, both in his UCLA Health office  
13 and, on information and belief, at Ronald Reagan UCLA Medical Center and/or other  
14 facilities owned or controlled by the UC Regents. As discussed above, Dr. Heaps was paid  
15 one of the highest salaries of any UC system employee in 2016 and, on information and  
16 belief, in other years during his UCLA tenure.

17           25. On information and belief, in or about January 2017, a UCLA Health employee  
18 (who went to Dr. Heaps for her personal medical care), herself certified to chaperone  
19 intimate examinations at UCLA Health, reported to her supervisor (a managerial employee  
20 of the Regents) that Dr. Heaps had sexually abused and harassed her during a routine  
21 gynecological procedure. On further information and belief, the Regents did nothing to  
22 investigate these allegations. Nor, on information and belief, did the Regents report the  
23 allegations to the California Medical Board or to law enforcement or take any actions to  
24 protect the employee or other patients of Dr. Heaps – including likely hundreds of women  
25 who were examined by Dr. Heaps until his forced "retirement" in or about June 2018 – from  
26 ongoing sexual abuse.

27           26. In addition, in or about early December 2017, a patient of Dr. Heaps  
28 complained to UCLA in detail about the verbal and physical sexual harassment and abuse

1 that she had been forced to endure at the hands of Dr. Heaps. On information and belief,  
2 UCLA Health launched an internal Title IX investigation (led by Investigator Jane Miller)  
3 and completed relevant witness interviews by mid-January 2018. On information and belief,  
4 UCLA Health concluded at that time, in or about January 2018, that Dr. Heaps had sexually  
5 assaulted and sexually harassed the patient whose complaint had launched the investigation.  
6 Nonetheless, UCLA chose to ratify Dr. Heaps' conduct, allowing him to maintain his  
7 practice and see patients uninterrupted until mid-June 2018, more than five months later.  
8 Those patients – likely hundreds in number – were seeking routine care and were unwittingly  
9 exposed to a serious threat of lasting harm and (on information and belief) some, like certain  
10 of the Plaintiffs herein, suffered sexual molestation and harassment during that time.

11       27. Inexplicably, UCLA Health only issued its findings –that Dr. Heaps had  
12 sexually assaulted and harassed his gynecological patient --in November 2019, almost two  
13 years after the investigation began. In other words, UCLA Health waited at least twenty-two  
14 months to let the complaining patient (and the public) know that they agreed with her  
15 contention that she been sexually harassed and sexually assaulted by Dr. Heaps. Clearly,  
16 UCLA Health delayed releasing its findings in order to protect the institution and its  
17 reputation from public scrutiny and criticism and to continue its decades-long cover-up of  
18 Dr. Heaps' egregious abuse and the UC Regents' own malfeasance.

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

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

28       30. Plaintiffs are further informed and believe that UCLA's own internal

1 investigation of Dr. Heaps’ medical practices and billing found that he systemically  
2 overbilled patients, their private insurance companies, and Medicare and other public  
3 agencies. According to an internal report, on information and belief, at times, even when a  
4 nurse practitioner or other staff member was scheduled to provide services to patients, upon  
5 their arrival, those patients were seen by Dr. Heaps (if only very briefly) and were then  
6 charged for his services, even though their care was actually handled by the nurse  
7 practitioner or other staff member. The UCLA internal investigation concluded, on  
8 information and belief, that – in certain instances – “Heaps’ clinical practice misrepresents  
9 the provider of services and the billing provider.” In light of this fraudulent scheme  
10 perpetrated by Dr. Heaps, and by extension, UCLA, the report further recommends that  
11 UCLA Health issue refunds to those affected. On information and belief, Plaintiffs were  
12 fraudulently overcharged by UCLA and Dr. Heaps for appointments during which they were  
13 subjected to sexual abuse and harassment.

14 **Plaintiffs Are Sexually Battered and Harassed by Dr. Heaps**

15 **During Routine Gynecological Examinations**

16 **Plaintiff Jane Doe 37’s Allegations**

17 31. Plaintiff Doe 37, is a “DES daughter,” i.e., she was exposed prenatally to  
18 Diethylstilbestrol (“DES”), a drug that was used to prevent miscarriage, but which left  
19 females exposed in the womb at increased risk of cervical and other reproductive cancers.  
20 As a result of her increased risk of cancer, and also as a result of a diagnosis of lichen  
21 sclerosis, a painful auto-immune skin condition that affects the genital area, Plaintiff Doe  
22 37’s regular gynecologist referred her, in or about December 2012, to Dr. Heaps. Fearful  
23 about her lichen sclerosis diagnosis and knowing that she was at heightened risk for female  
24 cancers, Plaintiff Doe 37 placed tremendous trust in Dr. Heaps’ care as a gynecological  
25 oncologist and in his purported medical practices and expertise. Dr. Heaps abused that trust,  
26 engaging in what Plaintiff Doe 37 has come to understand was sexual harassment and  
27 battery.

28 32. As a result of the promotion and marketing done by UCLA and its reputation

1 in the Los Angeles medical community, Plaintiff Doe 37 believed that UCLA provided the  
2 highest quality medical care to its patients. On information and belief, the UC Regents  
3 fervently cultivated this reputation and held out Dr. Heaps as a part of the network of  
4 physicians that made up UCLA Health. Indeed, when referring Plaintiff Doe 37 to Dr.  
5 Heaps, Plaintiff Doe 37's regular gynecologist (herself, on information and belief, a UCLA-  
6 affiliated physician) advised Plaintiff Doe 37 that Dr. Heaps was "part of UCLA."

7         33. During her treatment by Dr. Heaps, as described herein, Plaintiff Doe 37  
8 believed that Dr. Heaps was a UCLA employee due to, among other things, Dr. Heaps'  
9 apparent affiliation with UCLA, his use of the UCLA emblem in connection with his  
10 practice, his office location at UCLA, his employment at the UCLA Student Health Center,  
11 as well as his status as a professor at the UCLA School of Medicine. In fact, when Plaintiff  
12 Doe 37 searched online for Dr. Heaps' phone number, Dr. Heaps was prominently displayed  
13 on the UCLA Health website.

14         34. Between December 2012 and December 2014, Plaintiff Doe 37 saw Dr. Heaps  
15 on four or more occasions for treatment of lichen sclerosis and for diagnostic testing to  
16 ensure that she did not have (or develop) any gynecological cancers. Throughout 2012, 2013  
17 and 2014, while under the care of Dr. Heaps, Plaintiff Doe 37 was engaged in daily  
18 caretaking for her mother who was then suffering from advancing Alzheimer's Disease. The  
19 resultant worry about her mother (as well as the demands of caregiving) left Plaintiff Doe 37  
20 stressed and exhausted. Plaintiff Doe 37 shared these concerns with Dr. Heaps at various of  
21 her appointments and – looking back now—believes that Dr. Heaps preyed upon her both  
22 because of her health vulnerabilities and his knowledge that she was preoccupied with  
23 concern about her mother's well-being and care.

24         35. During one appointment, Plaintiff Doe 37 requested that Dr. Heaps refill her  
25 prescriptions for bioidentical hormone replacement. While Plaintiff Doe 37 lay unclothed on  
26 the examination table Dr. Heaps asked whether the hormones were working, proceeded to  
27 ask invasive questions about their effects on Plaintiff Doe 37's genitalia, including asking  
28 whether she was experiencing any swelling of her intimate anatomy as a result of taking the

1 hormones and then manipulated her intimate body parts to check for this purported  
2 “swelling.” Dr. Heaps then proceeded to make what Plaintiff Doe 37 now understands to be  
3 lewd, suggestive observations about her intimate anatomy.

4         36.     During another appointment in or about 2013 or 2014, Plaintiff Doe 37  
5 undressed and was examined while covered only with a paper modesty gown. During this  
6 appointment (and other appointments), Plaintiff Doe 37 discussed with Dr. Heaps that she  
7 has diabetes and has had difficulty with weight gain. Plaintiff Doe 37 mentioned that her  
8 mons pubis had become puffy. During this examination, Plaintiff Doe 37 also told Dr. Heaps  
9 that that she had been experiencing pain during intercourse with her husband. Dr. Heaps  
10 told Plaintiff Doe 37 that painful intercourse is a symptom of lichen sclerosis and suggested  
11 that Plaintiff Doe 37 purchase vaginal dilators which were offered for sale in his office.  
12 Dr. Heaps then described how Plaintiff Doe 37 should use the dilators, but did so in a tone of  
13 voice and using facial expressions that Plaintiff Doe 37 now believes indicated that the  
14 discussion was sexually gratifying to Dr. Heaps and was for his titillation and not for any  
15 legitimate medical purpose.

16         37.     At the conclusion of this appointment, in or about 2013 or 2014, Plaintiff Doe  
17 37, dressed and prepared to leave, stepping out into a common area within Dr. Heaps’ office.  
18 At that time, Dr. Heaps saw Plaintiff Doe 37, approached her and, in full view of certain of  
19 his office staff, suddenly grabbed Plaintiff Doe 37’s crotch, squeezing her mons pubis.  
20 Dr. Heaps then told Plaintiff Doe 37 that “[i]f you get your diabetes under control, *this* will  
21 go away.” Plaintiff Doe 37 now understands and realizes that Dr. Heaps’ conduct (and his  
22 inappropriate comments) constituted an egregious sexual battery, was not medically  
23 appropriate or indicated, and was perpetrated to gratify Dr. Heaps and sexually harass  
24 Plaintiff Doe 37.

25         38.     In or about June 2019, Plaintiff Doe 37 learned that Dr. Heaps was arrested for  
26 sexual misconduct involving patients. This news led Plaintiff Doe 37 to the realization that  
27 Dr. Heaps’ conduct described herein was in fact sexual abuse and harassment and not part of  
28 legitimate medical care. Since the realization that she was sexually abused by Dr. Heaps, and

1 that UCLA could have prevented the abuse, Plaintiff Doe 37 has suffered feelings of shame,  
2 embarrassment, humiliation, anger, emotional instability, sleeplessness, and symptoms of  
3 post-traumatic stress disorder (“PTSD”), along with fear of any treatment by male  
4 physicians.

5 **Plaintiff Jane Doe 38’s Allegations**

6 39. Plaintiff Doe 38 was a gynecological patient of Defendant Dr. James Heaps and  
7 UCLA Health from in or about the mid-2000’s to in or about 2015, during which time she  
8 was sexually abused, molested and harassed at the hands of serial sexual predator, Dr. Heaps.

9 40. Plaintiff Doe 38 was referred to Dr. Heaps by her sister, who was then an  
10 employee of UCLA. Plaintiff Doe 38 (as a result of the promotion and marketing done by  
11 UCLA and its reputation in the Los Angeles medical community) believed that UCLA  
12 provided the highest quality medical care. On information and belief, the UC Regents  
13 fervently cultivated this reputation and held out Dr. Heaps as a part of the network of  
14 physicians that made up UCLA Health.

15 41. Plaintiff Doe 38 believed that Dr. Heaps was at all times a UCLA employee due  
16 to, among other things, Dr. Heaps’ apparent affiliation with UCLA, his use of the UCLA  
17 emblem in connection with his practice, his office location at UCLA, his employment at the  
18 UCLA Student Health Center, as well as his status as a professor at the UCLA School of  
19 Medicine.

20 42. In or about 2003, Plaintiff Doe 38 had been diagnosed with breast cancer, which  
21 was successfully treated; however, Plaintiff Doe 38 understandably feared a recurrence of the  
22 disease. In addition, Plaintiff Doe 38 is a “DES daughter,” i.e., she was exposed prenatally to  
23 Diethylstilbestrol (DES), a drug which was at one time used to prevent miscarriages. As  
24 such, Plaintiff Doe 38 was at increased risk of cervical cancer and other female cancers.  
25 Accordingly, Plaintiff Doe 38 placed tremendous trust in Dr. Heaps’ care as a gynecological  
26 oncologist and in his purported medical practices.

27 43. Dr. Heaps grossly abused Plaintiff Doe 38’s trust. At appointments on at least  
28 five separate occasions between the mid-2000’s and in or about late 2015, Dr. Heaps engaged

1 in what Plaintiff Doe 38 now understands was sexual abuse and harassment, including  
2 sexually stimulating Plaintiff Doe 38 (including manually and through the use of medical  
3 devices) for Dr. Heaps' own gratification.

4 44. Beginning in the mid-2000's, Plaintiff Doe 38 saw Dr. Heaps once a year for  
5 what should have been routine annual gynecological examinations. At each such visit, Dr.  
6 Heaps performed a transvaginal ultrasound procedure on Plaintiff Doe 38. During each of  
7 these transvaginal ultrasound "exams," when Plaintiff was alone in the exam room with Dr.  
8 Heaps (without a chaperone), Plaintiff Doe 38 has now come to understand that Dr. Heaps  
9 used the ultrasound transducer wand in an aggressive manner so as to simulate sexual  
10 intercourse for his own gratification and without any medical purpose.

11 45. In addition, during what should have been a routine pelvic exam in or about  
12 mid-2014, Dr. Heaps manually sexually stimulated Plaintiff Doe 38 prior to inserting the  
13 speculum. Plaintiff Doe 38 now understands that this conduct was not a necessary part of this  
14 procedure nor medically necessary, but rather, that it constituted egregious sexual abuse.

15 46. Nonetheless, trusting in Dr. Heaps' skills as a physician and that UCLA Health  
16 would not put her in harm's way, Plaintiff Doe 38 continued to believe that the care she  
17 received at his office was appropriate and medically necessary.

18 47. Plaintiff Doe 38 has suffered greatly as the result of the abuse and harassment  
19 which she now understands that she endured at the hands of Dr. Heaps and UCLA Health,  
20 including anger, depression, severe sleep disruptions and feelings of low self-esteem. Plaintiff  
21 Doe 38 has also experienced difficulties in her intimate relationship with her husband as a  
22 result of the abuse that she endured. Plaintiff Doe 38 likewise suffers from anxiety and upset  
23 from her belief – since Dr. Heaps was arrested in or about June 2019 – that UCLA Health  
24 harbored a sexual predator and failed to protect her from egregious and lasting harm.

25 **Plaintiff Jane Doe 39's Allegations**

26 48. Plaintiff Jane Doe 39 is an immigrant who came to the U.S. in the 1970's to  
27 escape the conflict in Vietnam. Plaintiff Doe 39 thus overcame tremendous early adversity  
28 and worked extremely hard to obtain an education and to herself receive advanced medical

1 training. She is currently a medical professional in the Los Angeles area.

2 49. In 1996, when she was only beginning her professional endeavors, Plaintiff  
3 Doe 39 sought treatment for uterine fibroids and infertility. Plaintiff Doe 39's fertility doctor  
4 referred her to Dr. Heaps and emphasized that Dr. Heaps was a UCLA doctor and "the best."  
5 Plaintiff Doe 39 (as a result of the promotion and marketing done by UCLA and its  
6 reputation in the Los Angeles medical community) believed that UCLA provided the highest  
7 quality medical care. On information and belief, the UC Regents fervently cultivated this  
8 reputation and held out Dr. Heaps as a part of the network of physicians that made up UCLA  
9 Health.

10 50. During her treatment by Dr. Heaps, as described herein, Plaintiff Doe 39 saw  
11 Dr. Heaps at times at UCLA Medical Center and at times in his office at UCLA Medical  
12 Plaza. As such, Plaintiff Doe 39 believed that Dr. Heaps was a UCLA employee due to,  
13 among other things, Dr. Heaps' apparent affiliation with UCLA, his use of the UCLA  
14 emblem in connection with his practice, his office location at UCLA, his employment at the  
15 UCLA Student Health Center, as well as his status as a professor at the UCLA School of  
16 Medicine. Moreover, Dr. Heaps engaged in abusive conduct towards Plaintiff Doe 39 while  
17 performing surgery on Plaintiff Doe 39 at UCLA Medical Center and during at least one  
18 post-operative examination conducted at UCLA Medical Center.

19 51. In or about 1996, when Plaintiff Doe 39 first sought treatment for her uterine  
20 fibroids from Dr. Heaps, Dr. Heaps performed a transvaginal ultrasound procedure on  
21 Plaintiff Doe 39. Plaintiff Doe 39 was alone with Dr. Heaps in the exam room while he  
22 performed the transvaginal ultrasound. During the course of the ultrasound "examination,"  
23 Dr. Heaps touched Plaintiff Doe 39 in a manner she now understands was designed to gratify  
24 Dr. Heaps, including Dr. Heaps rubbing his hand on Plaintiff Doe 39's thigh while she was  
25 unable to move or resist. Plaintiff Doe 39 also observed Dr. Heaps' facial expression during  
26 this ultrasound "examination," and has come to realize that Dr. Heaps was focusing not on  
27 the ultrasound monitor, but looking at Plaintiff Doe and her body, seemingly sexually  
28 gratified by doing the invasive ultrasound "exam."



1           52.     In or about the fall of 1996, Dr. Heaps performed surgery at UCLA Medical  
2 Center on Plaintiff Doe 39 to remove and prevent fibroids. At Plaintiff Doe 39’s pre-  
3 operative appointment, Dr. Heaps examined Plaintiff Doe 39 alone and asked invasive sexual  
4 questions about Plaintiff Doe 39’s intimate relationship with her husband. Plaintiff Doe 39  
5 now understands that these questions were not medically necessary, but were asked by Dr.  
6 Heaps for his own sexual gratification. In response to these questions, Plaintiff Doe 39 told  
7 Dr. Heaps that she experienced pain during sexual intercourse with her husband. Dr. Heaps  
8 responded excitedly that he could “resolve” this issue for Plaintiff Doe 39 – however, Dr.  
9 Heaps did not explain what he meant nor did he obtain Plaintiff Doe 39’s informed consent  
10 to perform any procedures in addition to the medically necessary surgical procedure on  
11 Plaintiff Doe 39 to treat and remove her fibroids.

12           53.     In or about September 1996, Plaintiff Doe 39 was admitted as an inpatient to  
13 UCLA Medical Center. Dr. Heaps performed surgery on Plaintiff Doe 39 there and  
14 conducted at least one post-operative exam on Plaintiff Doe 39 while she was an inpatient at  
15 UCLA Medical Center.

16           54.     At this exam, immediately following her surgery, in or about September 1996,  
17 Dr. Heaps gleefully informed Plaintiff Doe 39 that he had given her a “designer” vagina.  
18 Dr. Heaps informed Plaintiff Doe 39 that, because she had previously complained of pain  
19 during sexual intercourse with her husband, Dr. Heaps had decided to “tailor” Plaintiff Doe  
20 39’s vaginal canal to be shorter and tighter. Dr. Heaps further explained to Plaintiff Doe 39  
21 that he performed this procedure – without her knowledge or consent – to improve Plaintiff  
22 Doe 39’s husband’s sexual experience (i.e., not to alleviate or treat Plaintiff Doe 39’s  
23 reported pain). Dr. Heaps was laughing as he told Plaintiff Doe 39 what he had done to alter  
24 her intimate anatomy. Dr. Heaps further explicitly stated to Plaintiff Doe 39 that the new  
25 position of her cervix would be able to be felt by her husband during sexual intercourse and  
26 that it would increase his enjoyment.

27           55.     Plaintiff Doe 39 now understands and realizes that Dr. Heaps’ conduct  
28 constituted an egregious battery and was not medically appropriate or indicated, but rather,

1 was done so that Dr. Heaps could exert control over Plaintiff Doe 39 for his own sexual  
2 gratification. Plaintiff Doe 39 now understands that Dr. Heaps' discussion with her about  
3 what he had done was likewise sexually harassing and abusive, and was for Dr. Heaps'  
4 titillation and not for any medical purpose.

5 56. After the surgical procedure described herein, Plaintiff Doe 39 saw Dr. Heaps  
6 two additional times for post-operative and routine gynecological care. At these  
7 appointments, which were in or about the end of 1996 or the beginning of 1997, Dr. Heaps  
8 continued to engage in what Plaintiff Doe 39 now understands to be sexually abusive and  
9 sexually harassing conduct towards her.

10 57. At each of these appointments, in or about late 1996 or early 1997, Plaintiff  
11 Doe 39 saw Dr. Heaps for what should have been routine gynecological appointments. At  
12 each of these exams, Plaintiff Doe 39 was alone with Dr. Heaps in the exam room for the  
13 entire time and was fully nude under a paper modesty gown. At each such appointment, Dr.  
14 Heaps performed a lengthy "breast exam," groping and squeezing Plaintiff Doe 39's breasts  
15 in a manner that Plaintiff Doe 39 now understands and realizes was not medically  
16 appropriate, but was in fact a cover for Dr. Heaps' sexual predation. At each of these  
17 appointments, Dr. Heaps likewise performed a Pap smear on Plaintiff Doe 39 that Plaintiff  
18 Doe 39 now realizes was sexually abusive, including by forcefully inserting the speculum  
19 into Plaintiff Doe 39, causing her significant pain, and continuing to move the speculum in a  
20 manner designed to simulate sexual intercourse. At each of these appointments, Dr. Heaps  
21 also performed anal "exams" on Plaintiff Doe 39 that she now realizes were in fact sexually  
22 abusive and not medically necessary or appropriate. During these anal "exams," Dr. Heaps  
23 inserted his fingers into Plaintiff Doe 39's rectum without warning and without using any  
24 lubricant, causing Plaintiff Doe 39 extreme physical pain. When asked what he was doing,  
25 Dr. Heaps told Plaintiff Doe 39 that the "procedure" was necessary to check for cancer.  
26 Plaintiff Doe 39 now understands and believes that this painful and degrading action was  
27 done for Dr. Heaps' sexual gratification and not for any medical purpose.

28 58. At Plaintiff Doe 39's final appointment with Dr. Heaps, in or about late 1996

1 or early 1997, Plaintiff Doe 39 was again alone with Dr. Heaps in the exam room. After  
2 performing what Plaintiff Doe 39 now understands to have been another sexually abusive  
3 breast “exam,” as described above, Dr. Heaps then instructed Plaintiff Doe 39, who was nude  
4 under a paper modesty gown, to remove the paper gown and stand fully nude against the  
5 wall so that Dr. Heaps could see if her nipples were “even.” Dr. Heaps looked at Plaintiff  
6 Doe 39 for several minutes, pausing to scratch his head and “think,” and using his hands to  
7 frame her intimate anatomy as a photographer might. Dr. Heaps then stated to Plaintiff Doe  
8 39 that one of her nipples was slightly higher than the other and that a tumor “could be  
9 pushing” her nipple out of position. Dr. Heaps never conducted any follow-up testing to  
10 detect the presence of breast cancer in Plaintiff Doe 39. Fortunately, Plaintiff Doe 39 did not  
11 have a tumor and has never developed breast cancer. Plaintiff Doe 39 now understands and  
12 realizes that Dr. Heaps exploited her fear of breast cancer for his own prurient interests,  
13 subjecting her to a lengthy and humiliating “examination” without medical necessity.

14 59. In or about June 2019, Plaintiff Doe 39 learned that Dr. Heaps was arrested for  
15 sexual misconduct involving patients. This news lead Plaintiff Doe 39 to the realization that  
16 Dr. Heaps’ conduct described herein was in fact sexual abuse and harassment and not part of  
17 legitimate medical care. Since the realization that she was sexually abused by Dr. Heaps,  
18 and that UCLA could have prevented the abuse, Plaintiff Doe 39 has suffered feelings of  
19 shame, embarrassment, humiliation, anger, emotional instability, sleeplessness, and  
20 symptoms of PTSD. Furthermore, the realization that Dr. Heaps altered Plaintiff Doe 39’s  
21 intimate anatomy without her consent for his own gratification, and that UCLA could have  
22 prevented this abuse, has caused Plaintiff Doe 39 to feel violated and to experience a loss of  
23 sexual function.

#### 24 **Plaintiff Jane Doe 40’s Allegations**

25 60. Plaintiff Jane Doe 40 sought care at Dr. Heaps’ office after she was diagnosed  
26 with HPV, the virus that can cause cervical cancer. In or about 2015, Plaintiff was first  
27 treated at Dr. Heaps’ office by Physician’s Assistant, Carla Saldibar. This appointment was  
28 uneventful, but Ms. Saldibar referred Plaintiff Doe 40 to Dr. Heaps for follow up

1 gynecological care.

2           61.     On or about March 11, 2016, Plaintiff Doe 40 had her first appointment with  
3 Dr. Heaps. At this appointment, Dr. Heaps performed a pelvic exam on Plaintiff Doe 40, as  
4 well as either a colposcopy and/or cervical biopsy – all while alone with Plaintiff Doe 40,  
5 with no chaperone present. Plaintiff now realizes that, during the pelvic exam, Dr. Heaps  
6 acted in a non-clinical manner, seemingly as if he were enjoying his examination of Plaintiff  
7 Doe 40’s intimate anatomy. After the exam, Dr. Heaps scooted his chair to the exam table,  
8 extremely close to Plaintiff Doe 40’s face and told her she needed to return to be examined  
9 by him every four months due to her HPV diagnosis. Since visiting a new gynecologist,  
10 Plaintiff Doe 40 has learned that her HPV diagnosis does not necessitate such frequent  
11 gynecological examinations. Plaintiff Doe 40 now realizes and believes that Dr. Heaps  
12 insisted she return every four months so that he could abuse Doe 40 (and charge her and her  
13 insurers unnecessarily for these visits).

14           62.     On or about April 22, 2016, Plaintiff Doe 40 returned to see Dr. Heaps – both  
15 because he had advised her to return every four months and because she had been informed  
16 that the results of her colposcopy – and/or cervical biopsy – were abnormal. At this  
17 appointment, Dr. Heaps performed a breast exam on Plaintiff Doe 40 that she now  
18 understands and realizes was, in fact, sexually abusive and harassing and designed to  
19 sexually gratify Dr. Heaps. Dr. Heaps groped Plaintiff Doe 40’s breasts and stated to her  
20 that her breasts were “beautiful” and “perfect.” Dr. Heaps asked Plaintiff Doe 40 numerous  
21 questions about her breast implants that Plaintiff Doe 40 now realizes were inappropriate and  
22 unnecessary.

23           63.     At this same appointment, on or about April 22, 2016, Plaintiff Doe 40 was  
24 again also subjected to what she now understands was an inappropriate and abusive  
25 “examination” by Dr. Heaps with no chaperone or nurse present in the exam room.  
26 Dr. Heaps performed a pelvic exam, PAP smear, and biopsy on Plaintiff Doe 40 and Plaintiff  
27 Doe 40 noticed again that Dr. Heaps was grinning and (she now believes) appeared sexually  
28 gratified while examining her intimate anatomy. At what Plaintiff Doe 40 thought was the

1 conclusion of the exam, Dr. Heaps left the exam room and Plaintiff Doe 40 began to dress.  
2 After only a few moments, Dr. Heaps barged back into the exam room and found Plaintiff  
3 Doe 40 partially nude, in her pants but with no shirt or bra. Plaintiff Doe 40 now believes  
4 that Dr. Heaps reentered the room quickly and without knocking with the intent of catching  
5 Plaintiff Doe 40 undressed.

6 64. After re-entering the exam room – for reasons that were unclear – Dr. Heaps  
7 again came extremely close to Plaintiff Doe 40’s face with his face and began to stroke her  
8 thighs while asking her intimate questions about her boyfriend. Dr. Heaps also told Plaintiff  
9 Doe 40 that her HPV is in fact not a cause for significant concern and suggested to her that  
10 she might be interested in meeting or dating Dr. Heaps’ adult son. Plaintiff Doe 40 has come  
11 to understand that this conduct – barging into the exam room following the exam when she  
12 was only partially clothed, touching her in what she now believes was a sexual manner and  
13 talking to her about non-medically necessary topics--was grossly inappropriate and sexually  
14 harassing.

15 65. Just a few months later, on or about July 26, 2016, Plaintiff Doe 40 had another  
16 scheduled appointment with Dr. Heaps at his UCLA office. Plaintiff Doe 40 disrobed and  
17 put on a paper modesty gown, as is typical for pelvic examinations. Dr. Heaps entered the  
18 exam room alone and again rubbed Plaintiff Doe 40’s legs while she was naked under the  
19 paper gown. Dr. Heaps then proceeded to conduct a “pelvic exam” on Plaintiff Doe 40 that  
20 she now understands and realizes was a pretext for Dr. Heaps to abuse her for his own sexual  
21 gratification. Dr. Heaps inserted several of his fingers into Plaintiff Doe 40’s vagina –  
22 without gloves or lubricant – and then moved his fingers in a manner which she now believes  
23 was designed to sexually stimulate Plaintiff Doe 40. During this sexually abusive conduct,  
24 Plaintiff Doe 40 noticed that Dr. Heaps was looking at her face rather than visually  
25 examining her intimate anatomy. Plaintiff Doe 40 now believes that Dr. Heaps was looking  
26 at her face to gauge her reaction to this intended sexual stimulation and for his own sexual  
27 gratification.

28 66. On or about September 2, 2016, Plaintiff Doe 40 was seen by Dr. Heaps at his

1 UCLA office for a LEEP (loop electrosurgical excision procedure). Plaintiff Doe 40 brought  
2 her stepmother with her to the appointment and requested that her stepmother remain in the  
3 exam room during the procedure. Dr. Heaps was noticeably irritated by Plaintiff Doe 40's  
4 stepmother's presence in the exam room; Dr. Heaps asked Plaintiff Doe 40 why her  
5 stepmother was in the exam room and commented several times that it was "weird" her  
6 stepmother was there. Plaintiff Doe 40 now believes that Dr. Heaps' was upset that her  
7 stepmother's presence would prevent him from sexually abusing Plaintiff Doe 40. Plaintiff  
8 Doe 40's intimate anatomy was numbed for the LEEP, rendering her unable to feel or know  
9 if Dr. Heaps engaged in any sexual misconduct at that appointment.

10 67. In or about mid-2019, Plaintiff Doe 40 became aware of accusations of abuse  
11 that had been lodged by other patients against Dr. Heaps. This led Plaintiff Doe 40 to the  
12 realization that she, too had experienced sexual abuse and harassment at the hands of  
13 Defendants. The realization that she was sexually abused by a trusted physician – and that  
14 UCLA Health failed to prevent this abuse – has caused Plaintiff Doe 40 anxiety, depression,  
15 sadness, and anger. Further, Plaintiff Doe 40's intimate relationships have suffered in the  
16 wake of her realization that she was subject to sexual abuse by Dr. Heaps and that UCLA  
17 enabled this misconduct.

#### 18 **Plaintiff Jane Doe 41's Allegations**

19 68. Plaintiff Doe 41 was referred to Dr. Heaps in or about 2015 by Dr. Christopher  
20 Tarnay, also a UCLA physician, after suffering years of severe gynecological health  
21 problems, including heavy bleeding as a result of uterine fibroids, endometriosis, and painful  
22 ovarian cysts. Plaintiff Doe 41 believed she was at increased risk of uterine or ovarian  
23 cancer because her biological mother died of ovarian and uterine cancer years prior. In  
24 addition, in 2009, Plaintiff Doe 41 suffered a bladder prolapse and underwent surgery to  
25 implant a bladder mesh. This bladder mesh surgery resulted in terrible complications for  
26 Plaintiff Doe 41, including bleeding, intermittent incontinence and some paralysis in her  
27 genital area.

28 69. Desperate to find care and help for these medical problems and complications,

1 which were – and are – severely affecting her quality of life, Plaintiff Doe 41 trusted that  
2 Dr. Heaps was a highly regarded specialist at UCLA Health who could assist her with her  
3 multiple gynecological health issues. As such, Plaintiff Doe 41 put her whole faith and  
4 confidence in Dr. Heaps and believed that he would provide quality care and would – at all  
5 times – act in a medically appropriate manner. Plaintiff Doe 41 believed that UCLA Health  
6 would never knowingly subject patients to sexual abuse or harbor a known predator in its  
7 midst. Dr. Heaps and UCLA Health greatly abused Plaintiff Doe’s trust, however, by  
8 allowing her to endure what she now understands to have been severe sexual abuse and  
9 harassment.

10         70. As described herein, UCLA Health also subjected Plaintiff Doe 41 to  
11 additional emotional distress when she sought – in or about June 2019 – to report Dr. Heaps’  
12 misconduct to UCLA. Rather than treat her report with care and respect, UCLA Health (and  
13 those working on its behalf, including, on information and belief, third party Praesidium)  
14 repeatedly called Plaintiff Doe 41, harassed her, and questioned the veracity of her report of  
15 sexual abuse – all of which resulted in additional emotional distress for Plaintiff Doe 41 at a  
16 time when she was coming to terms with having been sexually battered by a trusted  
17 physician from whom she had sought care.

18         71. Plaintiff Doe 41 first visited Dr. Heaps office on or about June 5, 2015, but was  
19 at that time seen by Dr. Heaps’ Physician’s Assistant – Carla Saldibar. That first  
20 appointment with Ms. Saldibar was uneventful. However, in later appointments wherein she  
21 was treated by Dr. Heaps – on or about December 18, 2015 and on or about April 25, 2017 –  
22 Dr. Heaps engaged in what Plaintiff Doe 41 now understands to be egregious sexual abuse  
23 and molestation of her, all under the guise of treatment for her various painful and  
24 debilitating gynecological medical conditions.

25         72. On or about December 18, 2015, Plaintiff Doe 41 had an appointment with  
26 Dr. Heaps and complained of unexplained abdominal pain. Dr. Heaps performed a  
27 transvaginal ultrasound on Plaintiff Doe 41. Plaintiff Doe 41 submitted to the transvaginal  
28 ultrasound believing it was necessary for Dr. Heaps to check her ovaries and ascertain that

1 there were no indications of ovarian cancer. Plaintiff Doe 41 agreed to the procedure  
2 because of her history of ruptured ovarian cysts and because her mother had died from  
3 ovarian and uterine cancer and Plaintiff Doe 41 greatly feared that she, too, was at high risk  
4 of developing the deadly disease.

5 73. During the transvaginal ultrasound procedure on or about December 18, 2015,  
6 Dr. Heaps engaged in touching of a sexual nature which Plaintiff Doe 41 now believes was  
7 designed to sexually stimulate Plaintiff Doe 41 and gratify himself. Dr. Heaps also moved  
8 the transvaginal ultrasound wand in an aggressive manner which simulated sexual  
9 intercourse and which Plaintiff Doe 41 also now believes was designed to sexually stimulate  
10 Plaintiff Doe 41 and gratify Dr. Heaps.

11 74. In addition, Dr. Heaps made what Plaintiff Doe 41 now believes to be sexually  
12 harassing and inappropriate comments to her during this procedure, including telling her that  
13 he could see an egg in her ovary that was about to be released and further telling her, in a  
14 sexually charged tone of voice, that the egg “could be fertilized tonight.” This statement was  
15 made by Dr. Heaps three times despite Plaintiff Doe 41 telling Dr. Heaps that her husband  
16 had had a vasectomy and despite Plaintiff Doe 41’s statements to Dr. Heaps that her family  
17 was complete and that she was done having children. Plaintiff Doe 41 now understands that  
18 these comments by Dr. Heaps evidenced his sexual titillation at the thought of Plaintiff Doe  
19 41 being intimate with her husband. No nurse was present during this sexually abusive and  
20 harassing conduct.

21 75. At this same appointment on or about December 18, 2015, Dr. Heaps  
22 completed the sexually abusive transvaginal ultrasound on Plaintiff Doe 41 and then  
23 proceeded forcibly to insert three or four of his ungloved fingers into her vagina. Dr. Heaps  
24 took this action with no warning or explanation, causing Plaintiff Doe 41 immediate and  
25 significant pain. Plaintiff Doe 41 was alone in the room with Dr. Heaps; there was no  
26 chaperone present to protect her from Dr. Heaps. Plaintiff Doe 41 now realizes and  
27 understands that this action by Dr. Heaps was sexual in nature and not part of legitimate  
28 medical care.



1           76.     At what should have been a routine gynecological exam on or about April 25,  
2 2017, Plaintiff Doe 41 confided to Dr. Heaps that she suffered from some loss of sensation in  
3 her external genital area. Plaintiff Doe 41’s comment prompted Dr. Heaps to begin a lengthy  
4 manual “examination” that entailed touching Plaintiff Doe 41 – without gloves – in a manner  
5 which she now believes was designed to sexually stimulate Plaintiff Doe 41 and gratify  
6 Dr. Heaps.

7           77.     This inappropriate sexual touching continued for several minutes until Plaintiff  
8 Doe 41 finally asked Dr. Heaps what he was doing. Dr. Heaps replied with surprise, “Oh,  
9 you can feel that?” In other words, Plaintiff Doe 41 now believes that Dr. Heaps engaged for  
10 some time in touching of a sexual nature because he thought that Plaintiff Doe 41 could not  
11 feel or understand what he was doing, allowing him to sexually abuse her with impunity.  
12 While engaging in this conduct, which Plaintiff Doe 41 now understands was sexual abuse, a  
13 nurse entered the room and apparently startled Dr. Heaps, who jump backed for a few  
14 seconds. Dr. Heaps nonetheless continued his abusive conduct, even in the presence of the  
15 nurse, who did nothing to intervene or assist Plaintiff Doe 41.

16           78.     Only after the public revelation of Dr. Heaps’ arrest did Plaintiff Doe 41 come  
17 to understand that she too had been subjected to sexual abuse and sexual harassment. In or  
18 about July 2019, Plaintiff Doe 41 received a letter from UCLA soliciting her participation in  
19 an investigation conducted by third-party company Praesidium (on information and belief,  
20 hired by UCLA Health and the UC Regents). Plaintiff Doe 41 called Praesidium to provide  
21 information about her experiences with Dr. Heaps because she believed UCLA Health was  
22 acting in good faith to prevent future abuse and because she was outraged by Dr. Heaps’  
23 public denial of sexual misconduct.

24           79.     On information and belief, Praesidium is a private company which offers  
25 “abuse protection research and results.” On information and belief, the UC Regents have  
26 retained Praesidium purportedly to “investigate” allegations of sexual abuse by Dr. Heaps  
27 and also to mitigate the UC Regents’ risk and exposure from civil litigation relating to that  
28 abuse (which as described herein) the UC Regents knowingly failed to stop. It is unclear to

1 Plaintiff Doe 41 (and Plaintiff Doe 41 was never told) how and for what purposes the  
2 information that she provided to Praesidium and UCLA Health may be used.

3         80. In response to Plaintiff Doe 41’s July 2019 call, a male investigator began  
4 questioning Plaintiff Doe 41 about her report of sexual abuse at the hands of Dr. Heaps. This  
5 investigator, acting – on information and belief – on behalf of UCLA Health, the UC  
6 Regents and/or Praesidium, told Plaintiff Doe 41 that “UCLA hired us to interview you folks  
7 about what happened” and then interrogated Plaintiff Doe 41 with invasive questions in an  
8 accusatory, distrustful tone, repeatedly asking her, “Are you sure?” as if to cause Plaintiff  
9 Doe 41 to doubt her own then vivid recollections of what Dr. Heaps had done to her. During  
10 the summer of 2019, this male investigator contacted Plaintiff four times, leaving multiple  
11 voicemails on her personal cell phone and speaking with her on two occasions.

12         81. Plaintiff Doe 41 has suffered greatly in the aftermath of the realization that she  
13 was sexually battered by Dr. Heaps. Plaintiff Doe 41 has suffered from anxiety and  
14 depression and has struggled to seek the medical care that she needs for her gynecological  
15 and urological conditions out of fear that she cannot trust physicians who would perform  
16 intimate examinations of her. The understanding that she was severely abused by a trusted  
17 professional – and betrayed by UCLA Health (an institution that she relied on to provide her  
18 with high quality medical care) – has likewise interfered with her relationships with her  
19 husband and family.

20         82. The harassing conduct by the male investigator described herein has only  
21 compounded Plaintiff Doe 41’s anguish and trauma and suggested to Plaintiff Doe 41 that  
22 UCLA Health is more interested in protecting itself than discovering the truth and /or  
23 offering genuine assistance to the victims of Dr. Heaps. Plaintiff Doe 41 earnestly believed  
24 that she was “doing the right thing” by reporting her realization that she had been sexually  
25 abused to UCLA Health. Plaintiff Doe 41 came to regret her decision to report her abuse as  
26 her interactions with the male investigator caused her additional distress at the time that she  
27 was just beginning to process the harm that had been done to her by Dr. Heaps’ gross  
28 misconduct.

1 **Plaintiff Jane Doe 42's Allegations**

2 83. Plaintiff Jane Doe 42 is a certified nursing assistant and former UCLA  
3 employee of 24 years. Plaintiff Doe 42 was a patient of Dr. Heaps from at least 2014  
4 through 2018 and saw him approximately nine times at his office at UCLA Medical Plaza.  
5 Plaintiff Doe 42 has come to realize that Dr. Heaps sexually molested her numerous times at  
6 these appointments under the guise of providing Plaintiff Doe 42 with medical care. Plaintiff  
7 Doe 42 was alone with Dr. Heaps in the exam room during these appointments with no  
8 chaperone to intervene or protect her from Dr. Heaps.

9 84. Plaintiff Doe 42 saw Dr. Heaps on or about March 19, 2014, April 3, 2015,  
10 June 1, 2015, October 13, 2015, April 8, 2016, December 7, 2016, April 21, 2017, August 2,  
11 2017, and April 27, 2018. Dr. Heaps advised Plaintiff Doe 42 to see him very frequently (as  
12 opposed to annually) because Plaintiff Doe 42 has a significant family history of female  
13 reproductive cancers, including breast and ovarian cancer.

14 85. At all or most of the appointments Dr. Heaps performed transvaginal  
15 ultrasounds on Plaintiff Doe 42. Plaintiff Doe 42 now understands that Dr. Heaps performed  
16 these “exams” in a forceful manner, designed to mimic sexual intercourse. On several  
17 occasions while Dr. Heaps performed ultrasounds on Plaintiff Doe 42, Dr. Heaps asked  
18 Plaintiff Doe 42 if she was experiencing any lower back pain and then groped Plaintiff Doe  
19 42’s buttocks, conduct which Plaintiff Doe 42 now realizes was medically unnecessary and  
20 abusive. Dr. Heaps likewise stroked and rubbed Plaintiff Doe 42’s abdomen in a manner  
21 which Plaintiff Doe 42 now believes was not medically indicated, but was done for Dr.  
22 Heaps own sexual gratification. During these abusive transvaginal ultrasound exams,  
23 Plaintiff Doe 42 was alone in the room with Dr. Heaps, with no nurse or chaperone present.

24 86. In or about late 2019, Plaintiff Doe 42 learned that Dr. Heaps had been charged  
25 with sexually abusing two patients and realized that Dr. Heaps’ conduct towards her was also  
26 sexually abusive. As a result of the realization that she was sexually abused by Dr. Heaps  
27 and that UCLA could have prevented the abuse, Plaintiff Doe 42 has suffered feelings of  
28 shame, anxiety, sadness, depression, sleeplessness and symptoms of post-traumatic stress

1 disorder. In addition, the abuse which Plaintiff Doe 42 has now realized that she endured has  
2 interfered with her continuing gynecological care as she been fearful and anxious of  
3 transvaginal ultrasounds, which Plaintiff Doe 42 needs to undergo as a result of her family  
4 history of ovarian cancer.

5 **Plaintiff Jane Doe 43's Allegations**

6 87. In or about the late 2000's, while Plaintiff Doe 43 was living in New York, she  
7 underwent cryotherapy for removal of pre-cancerous cervical cells. After relocating to  
8 California, Plaintiff Doe 43 was referred to Dr. Heaps for gynecological oncology care, by a  
9 trusted friend who was then employed at UCLA Medical Center. Plaintiff Doe 43 saw  
10 Dr. Heaps at regular 6-month intervals, ending on or about April 18, 2018. Extremely  
11 fearful that she could develop cancer, Plaintiff Doe 43 placed tremendous trust in Dr. Heaps  
12 that he could prevent, diagnose and treat any potential gynecological cancer and protect her  
13 health. Dr. Heaps – and the UC Regents who employed and promoted him – greatly abused  
14 that trust. The abuse that Plaintiff Doe 43 endured, as described herein, was severe and has  
15 left her – to this day – anxious about seeking needed (and potentially life-saving)  
16 gynecological care.

17 88. At each and every visit, Dr. Heaps performed a pelvic examination and a  
18 transvaginal ultrasound. Oftentimes, no chaperones were present. If they were present,  
19 “chaperones” were not engaged in watching Dr. Heaps’ examinations of Plaintiff Doe 43 and  
20 were looking at paperwork or otherwise distracted. No chaperone ever took any action to  
21 assist Plaintiff Doe 43 during what she now understands to be episodes of sexual abuse and  
22 harassment.

23 89. At every visit, Dr. Heaps would compliment Plaintiff Doe 43's body and  
24 physique in a way that she now understands was not medically necessary and was instead  
25 sexually harassing in nature. In addition, at later appointments, Dr. Heaps also hinted to  
26 Plaintiff Doe 43 that he was unhappy in his marriage and told Plaintiff Doe 43 about places  
27 that he frequented on weekends. Plaintiff Doe 43 now understands that these comments  
28 were likewise unrelated to her medical care and constituted sexual harassment. Dr. Heaps

1 also engaged – at each appointment which Plaintiff Doe 43 was encouraged to schedule  
2 every six months – in additional egregious sexual battery and harassment as described  
3 herein.

4           90.     At each such appointment, following the pelvic examination, Dr. Heaps asked  
5 Plaintiff Doe 43 to rise from the examination table, stand up and turn her back to him, while  
6 clothed only in an open-backed gown. At every visit, Dr. Heaps would open her gown with  
7 his hands and gaze at Plaintiff Doe 43’s exposed body for an extended period of time, stating  
8 that he was checking her posture for complications of what he claimed was a “tipped uterus.”  
9 Plaintiff Doe 43 believed that Dr. Heaps, as a cancer specialist and that he was engaging in  
10 actions that were necessary and appropriate to treatment and diagnosis. Plaintiff Doe 43 has  
11 come to understand that Dr. Heaps’ statements about her purported “tipped uterus” were only  
12 a pretext for Dr. Heaps’ lewd and invasive inspection of Plaintiff Doe 43’s unclothed body.  
13 On each occasion, during this “examination,” Dr. Heaps asked, “[d]o you have pain in your  
14 back?” and/or “[l]et me see your backside,” at the same time touching Plaintiff Doe 43’s  
15 lower back or upper buttocks. Plaintiff Doe 43 has since come to understand that there was  
16 no medical purpose for this conduct or touching and that it constituted sexual harassment and  
17 sexual battery.

18           91.     At each biannual appointment, Dr. Heaps likewise performed a transvaginal  
19 ultrasound procedure on Plaintiff Doe 43. Each time that he performed the ultrasound  
20 “examination,” Plaintiff Doe 43 was alone with Dr. Heaps in the exam room while he used  
21 the transvaginal ultrasound transducer in what she now understands was a sexual manner,  
22 designed to simulate sexual intercourse, sexually stimulate Plaintiff Doe 43 and gratify  
23 Dr. Heaps. While she was his patient, Plaintiff Doe 43 believed that Dr. Heaps was  
24 performing medically appropriate transvaginal ultrasound examinations, but now  
25 understands that Dr. Heaps used the transducer device to gratify himself by touching  
26 Doe 43’s intimate body parts in a sexual manner. In addition, during these procedures,  
27 Dr. Heaps would often tell Plaintiff Doe 43 that she needed to be sure and return every six  
28 months so that he could monitor her ovarian cysts and make sure that the cysts did not

1 become cancerous. Plaintiff Doe 43 has subsequently learned that such frequent testing was  
2 not medically necessary and was instead suggested Dr. Heaps in order for him to have  
3 additional opportunities to bill Plaintiff Doe 43 and her medical insurers and to sexually  
4 abuse her with impunity.

5         92. At her biannual appointments, Dr. Heaps also always performed a pelvic  
6 examination of Plaintiff Doe 43. On at least two separate occasions, including at what would  
7 turn out to be Plaintiff Doe 43's last appointment with Dr. Heaps, on or about April 18,  
8 2018, Dr. Heaps engaged in what Plaintiff Doe 43 now understands to have been egregious  
9 sexual abuse and assault. During what should have been routine pelvic "exams," Dr. Heaps  
10 touched Plaintiff Doe 43 in a manner designed to sexually stimulate her and gratify himself.  
11 Plaintiff Doe 43 now realizes that this conduct was not medical in nature, but was instead an  
12 egregious act of sexual abuse. This realization has resulted in feelings of humiliation, shame  
13 and distress.

14         93. At her biannual appointments Dr. Heaps also performed breast examinations  
15 during which he held a breast in each hand, forcefully pushed both breasts together, and  
16 complimented the appearance of her breasts in a manner which Plaintiff Doe 43 now  
17 understands had no medical purpose and was merely sexual battery and harassment. Plaintiff  
18 Doe 43 now understands that these forceful and overly-lengthy exams were sexual in nature  
19 and performed for Dr. Heaps' gratification rather than any medical purpose.

20         94. During one of Plaintiff Doe 43 appointments, Plaintiff Doe 43 told physician's  
21 assistant Carla Saldibar that she wanted Dr. Heaps to check her breasts for a possible  
22 recurrence of benign cysts, a medical problem that had plagued her in the past and which she  
23 feared was recurring. Ms. Saldibar replied, in an ominous tone, "are you sure you want him  
24 to do that?" Now that Plaintiff Doe 43 understands that Dr. Heaps conduct towards her and  
25 other female patients was sexually abusive, Plaintiff Doe 43 likewise now believes that  
26 Ms. Saldibar was aware that Dr. Heaps was a sexual predator and was attempting to warn  
27 Plaintiff Doe 43 not to undergo a breast "exam" conducted by Dr, Heaps. On information  
28 and belief, however, Ms. Saldibar never made a report of sexual misconduct by Dr. Heaps

1 nor took any other action to protect Plaintiff Doe 43 and/or other of Dr. Heaps' vulnerable  
2 gynecological oncology patients from abuse and harassment.

3 95. As discussed above and incorporated herein, at the time that Plaintiff Doe 43  
4 again suffered what she now understands to have been sexual abuse at the hands of Dr.  
5 Heaps, in or about April 2018, Dr. Heaps had already been the subject of internal  
6 investigation at UCLA Health since at least December 2017. On information and belief, by  
7 mid-January 2018, UCLA Health had concluded all witness interviews relating to this  
8 investigation of a patient's claim of sexual misconduct. Yet, inexplicably, UCLA Health and  
9 the UC Regents allowed Dr. Heaps to continue to perform intimate examinations – and be  
10 alone with patients during such examinations (including the sexually abusive “examination”  
11 which Plaintiff Doe 43 was forced to endure in or about April 2018)-- months after UCLA  
12 had yet more unequivocal evidence that it had a sexual predator in its midst.

13 96. Had Plaintiff Doe 43 possessed knowledge of the allegations that had been  
14 made against Dr. Heaps in or about December 2017 (or any of the allegations of sexual  
15 misconduct which – on information and belief – were earlier made by patients and which  
16 UCLA Health and the UC Regents likewise ignored), she would never have consented to  
17 further “examination” or treatment by him. Plaintiff Doe 43 was not given such a choice by  
18 UCLA and suffered further sexual abuse as a result, abuse which has resulted in serious and  
19 lasting harm as described herein.

20 97. Nor did UCLA Health's deceit and cover-up end with Plaintiff Doe 43's last  
21 appointment. Plaintiff Doe 43 had a biannual appointment scheduled with Dr. Heaps for  
22 October 17, 2018. Just prior to October 17, 2018, a staff member of Dr. Heaps' office  
23 telephoned Plaintiff Doe 43 to advise that Dr. Heaps was on “a leave of absence” and that  
24 another physician would provide her care on that date. Plaintiff Doe 43, in her continued  
25 reliance on Dr. Heaps' reputation and belief that he was helping to ensure that she would not  
26 develop cancer, asked the office to reschedule the appointment for a time when Dr. Heaps  
27 would be available. In response, the employee with whom she spoke insinuated that  
28 Dr. Heaps was ill and that it would not be possible to see him in the future. No one at UCLA

1 Health ever informed Plaintiff Doe 43 or – on information and belief – any other of  
2 Dr. Heaps’ patients or the public, that Dr. Heaps had in fact been separated from UCLA  
3 Health as a result of the finding that he had sexually assaulted and harassed another  
4 vulnerable patient.

5 98. In or about June 2019, when UCLA Health could no longer hide the truth,  
6 Plaintiff Doe 43 learned that Dr. Heaps was arrested for sexual misconduct involving  
7 patients. This news led Plaintiff Doe 43 to the realization that Dr. Heaps’ conduct described  
8 herein was in fact sexual abuse and harassment and not part of legitimate medical care. Since  
9 the realization that she was sexually abused by Dr. Heaps, and that UCLA could have  
10 prevented the abuse, Plaintiff Doe 43 has suffered feelings of shame, embarrassment,  
11 humiliation, anger, emotional instability, sleeplessness, and PTSD. The trauma of the abuse  
12 that she has suffered has interfered with Plaintiff Doe 43’s intimate relationships. As a direct  
13 result of Dr. Heaps’ conduct, Plaintiff Doe 43 has developed a fear of all gynecologists and  
14 has foregone further pelvic and breast examinations, causing anxiety over the possibility that  
15 she may have undiagnosed cancer.

16 **Plaintiff Jane Doe 44’s Allegations**

17 99. Plaintiff Doe 44 moved to Los Angeles in or about 2010 and sought to locate a  
18 gynecologist who could continue monitoring her use of bioidentical hormones. Plaintiff  
19 Doe 44 specifically sought a physician affiliated with UCLA Health due to UCLA’s world-  
20 renowned reputation for high quality medical care. Plaintiff Doe 44 found Dr. Heaps through  
21 UCLA Health’s website. Based upon Dr. Heaps presence on UCLA Health’s website,  
22 Dr. Heaps’ Yelp.com page indicating his affiliation with UCLA, and Dr. Heaps’ office  
23 address at UCLA Medical Plaza, Plaintiff Doe 44 reasonably believed that Dr. Heaps was  
24 affiliated with UCLA Health and was impressed by his credentials.

25 100. In or about January 2011, Plaintiff Doe 44 met with Defendant Heaps for an  
26 initial consultation appointment at his office at UCLA Medical Plaza. During this initial  
27 appointment, Plaintiff Doe 44 met with Dr. Heaps in his office and Dr. Heaps asked Plaintiff  
28 Doe 44 numerous invasive sexual questions, including asking her intimate details of her



1 relationship with her husband and whether she had any sexual problems with her husband.  
2 Plaintiff Doe 44 has come to understand that these questions were abusive and were not  
3 medically necessary. Plaintiff Doe 44 was alone with Dr. Heaps in his office when this  
4 conversation occurred.

5 101. After this conversation, Dr. Heaps directed Plaintiff Doe 44 to move to an  
6 exam room with Dr. Heaps' Physician's Assistant, Carla Saldibar. Plaintiff Doe 44 did so  
7 and – once there – undressed and put on a paper gown, as is typical for gynecological or  
8 pelvic exams. Dr. Heaps returned to the exam room and instructed Ms. Saldibar to leave the  
9 room while he examined Plaintiff Doe 44. Ms. Saldibar complied with Dr. Heaps' request  
10 and left the room, leaving Plaintiff Doe 44 alone with Dr. Heaps.

11 102. Once Ms. Saldibar had exited the exam room, Dr. Heaps conducted a breast  
12 exam on Plaintiff Doe 44 during which he used both of his hands to fondle Plaintiff Doe 44's  
13 breasts and squeeze her nipples. During the breast exam, Dr. Heaps lifted the paper modesty  
14 gown to look directly at Plaintiff Doe 44's breasts. Plaintiff Doe 44 now understands and  
15 realizes that Dr. Heaps' conduct with sexually abusive and not part of a legitimate medical  
16 procedure.

17 103. After the supposed "breast exam," Dr. Heaps immediately began a pelvic  
18 examination of Plaintiff Doe 44. Dr. Heaps did not pause to put on exam gloves nor did he  
19 warn Plaintiff Doe 44 that he intended to insert his bare fingers into her vagina. Suddenly,  
20 without any preparation or explanation, Dr. Heaps penetrated Plaintiff Doe 44's vagina with  
21 several of his bare fingers and moved them around inside of her vagina. Dr. Heaps then  
22 removed his fingers from Plaintiff Doe 44's vagina and suddenly penetrated Plaintiff  
23 Doe 44's rectum with his still ungloved finger. This action, done without warning, caused  
24 Plaintiff Doe 44 pain. In response, Dr. Heaps stated that he "needed to check" her rectum.  
25 Dr. Heaps then told Plaintiff Doe 44 that he "felt something" inside of her and needed to  
26 perform a transvaginal ultrasound to diagnose the mass. Plaintiff Doe 44 now believes that  
27 this conduct--in conducting pelvic and rectal "exams" in this manner and without exam  
28 gloves-- was not medically appropriate and was instead done by Dr. Heaps for his own

1 gratification.

2 104. Dr. Heaps then directed Plaintiff Doe 44 to a different, smaller exam room to  
3 perform a transvaginal ultrasound procedure. Plaintiff Doe 44 was again alone with  
4 Dr. Heaps in the exam room. During the transvaginal ultrasound, Dr. Heaps placed his bare  
5 hand on Plaintiff Doe 44's knee and moved the ultrasound transducer wand in a forceful  
6 manner, which Plaintiff Doe 44 now believes was designed to mimic sexual intercourse.  
7 Plaintiff Doe 44 noticed that during the transvaginal ultrasound, which Dr. Heaps claimed he  
8 conducted to examine an internal mass, Dr. Heaps was in fact watching Plaintiff Doe 44's  
9 facial expressions rather than the ultrasound machine's monitor. Plaintiff Doe 44 now  
10 understands and realizes that the transvaginal ultrasound procedure was in fact a pretext for  
11 Dr. Heaps to engage in sexual abuse.

12 105. After the transvaginal ultrasound procedure was over, Dr. Heaps instructed  
13 Plaintiff Doe 44 to stand up and open the paper modesty gown for him to apply a  
14 bioidentical hormone patch onto Plaintiff Doe 44's buttocks. While placing the bioidentical  
15 patch, Dr. Heaps groped Plaintiff Doe 44's buttocks under the guise of "explaining" where  
16 she should place the patch. Plaintiff Doe 44 now understands that this conduct was not part  
17 of appropriate medical care, but was instead sexual abuse and harassment. At the conclusion  
18 of this "exam," Dr. Heaps remarked to Plaintiff Doe 44 that she was "such an attractive  
19 woman." Plaintiff Doe 44 likewise now understands that such comments and compliments –  
20 which are more akin to what a romantic partner would say – were inappropriate and  
21 constitute sexual harassment.

22 106. In or about late-2019, Plaintiff Doe 44 heard news reports about Dr. Heaps'  
23 arrest and came to realize that Dr. Heaps' conduct towards her was sexually abusive. Since  
24 the realization that she was sexually abused by Dr. Heaps, and that this abuse was aided and  
25 abetted by UCLA, Plaintiff Doe 44 has suffered loss of self-esteem, damage to her self-  
26 worth, difficulty submitting to medical examinations, and symptoms of PTSD. The sexually  
27 abusive conduct engaged in by Dr. Heaps has interfered with Plaintiff Doe 44's medical care  
28 as she is no longer comfortable being treated by male physicians. Plaintiff Doe 44 has been

1 compelled to seek counseling to recover from the sexual abuse she suffered at the hands of  
2 Dr. Heaps.

3 **Plaintiff Jane Doe 45's Allegations**

4 107. Plaintiff Doe 45 was a student at the University of California Los Angeles and  
5 gynecological patient at UCLA Health when she was sexually abused, molested and  
6 physically harassed at the hands of serial sexual predator Defendant Dr. James Heaps. Doe  
7 45 earned her PhD degree at UCLA and is currently a high school teacher.

8 108. In or about the late 1990's to the mid- 2000's, Plaintiff Doe 45 sought  
9 gynecological healthcare at the UCLA Arthur Ashe Student Health & Wellness Center and  
10 was seen by Dr. Jo Ann Dawson. Dr. Dawson referred Plaintiff Doe 45 to Dr. James Heaps  
11 for the treatment of polycystic ovarian syndrome ("POS"), a common hormonal disorder that  
12 causes menstrual irregularities and other symptoms. Plaintiff Doe 45, as a result of this  
13 referral and as a result of the promotion and marketing done by UCLA and its reputation in  
14 the Los Angeles medical community, believed that UCLA provided the highest quality  
15 medical care. On information and belief, the UC Regents fervently cultivated this reputation  
16 and held out Dr. Heaps as a part of the network of physicians that made up UCLA Health.

17 109. During her treatment by Dr. Heaps, as described herein, Plaintiff Doe 45 saw  
18 Dr. Heaps at UCLA Medical Center. As such, Plaintiff Doe 45 believed that Dr. Heaps was  
19 a UCLA employee due to, among other things, the referral she had received; the fact that she  
20 saw Dr. Heaps at UCLA Medical Center; Dr. Heaps' apparent affiliation with UCLA,  
21 including his use of the UCLA emblem in connection with his practice; his employment at  
22 the UCLA Student Health Center, as well as his status as a professor at the UCLA School of  
23 Medicine.

24 110. Between in or about the late 1990's and the mid-2000's, Plaintiff Doe 45 saw  
25 Dr. Heaps approximately every 3 months at the behest of Dr. Heaps, who indicated that her  
26 POS condition must be closely monitored. At each visit, Dr. Heaps performed a transvaginal  
27 ultrasound procedure on Plaintiff Doe 45. On every such occasion, Plaintiff Doe 45 was  
28 alone with Dr. Heaps in the exam room while he performed the transvaginal ultrasound

1 “exam” in a manner which Plaintiff Doe 45 now understands was designed to simulate  
2 sexual intercourse and gratify Dr. Heaps. No chaperone was ever present to aide Plaintiff  
3 Doe 45 or report Dr. Heaps’ sexually abusive misconduct.

4 111. At each of these appointments, throughout in or about the late 1990’s to in or  
5 about the mid-2000’s, Dr. Heaps likewise performed a lengthy “breast exams,” groping and  
6 squeezing Plaintiff Doe 45’s breasts in a manner that Plaintiff Doe 45 now understands and  
7 realizes was not medically appropriate, but was in fact sexually abusive.

8 112. In or about June 2019, Plaintiff Doe 45 learned that Dr. Heaps was arrested for  
9 sexual misconduct involving patients. This news led Plaintiff Doe 45 to the realization that  
10 Dr. Heaps’ conduct described herein was in fact sexual abuse and harassment and not part of  
11 legitimate medical care. Since the realization that she was sexually abused by Dr. Heaps, and  
12 that UCLA could have prevented the abuse, Plaintiff Doe 45 has suffered feelings of shame,  
13 embarrassment, humiliation, anger, emotional instability, sleeplessness, and symptoms of  
14 post-traumatic stress disorder (PTSD).

15 **Plaintiff Jane Doe 46’s Allegations**

16 113. Plaintiff Jane Doe 46 was a UCLA professional school student in 2013. In or  
17 about early 2013, Plaintiff Doe 46 sought gynecological healthcare at the UCLA Arthur  
18 Ashe Student Health & Wellness Center and was referred to Dr. Heaps for further treatment.  
19 On or about January 24, 2013 Plaintiff Doe 46 had a consultation appointment with  
20 Dr. Heaps at his office at UCLA. Dr. Heaps did not perform a physical examination of  
21 Plaintiff Doe 46 at this appointment, which was uneventful.

22 114. On or about March 12, 2013, Plaintiff Doe 46 had a follow-up visit with  
23 Dr. Heaps at his UCLA office, this time in an exam room. At this visit, Dr. Heaps performed  
24 a pelvic examination on Plaintiff Doe 46 with a chaperone present. During this examination,  
25 Dr. Heaps made comments about Plaintiff Doe 46’s pubic hair. Plaintiff Doe 46 has come to  
26 understand that these comments were not medically necessary and were solely of a prurient  
27 and sexually harassing nature.

28 115. At the conclusion of the examination on or about March 12, 2013, the

1 chaperone left the room and was not present for the remainder of the appointment. Newly  
2 married, Plaintiff Doe 46 complained to Dr. Heaps that she was experiencing pain during  
3 sexual intercourse with her husband. In response, Dr. Heaps made a series of comments that  
4 Plaintiff Doe 46 now understands were sexually harassing and not medically necessary,  
5 including telling Plaintiff Doe 46 that she should “just have some drinks and let your  
6 husband have sex with you.” Dr. Heaps then asked Plaintiff Doe 46 questions about her  
7 sexual activity that Plaintiff Doe 46 now believes were not medically relevant, but were only  
8 for Dr. Heaps’ own sexual gratification.

9 116. Following this “discussion,” Dr. Heaps recommended that Plaintiff Doe 46  
10 undergo a minor surgical procedure in order to alleviate the pain that she was experiencing.  
11 At the time, as a young student experiencing discomfort which she desperately wanted to  
12 remedy, Plaintiff Doe 46 placed a high level of trust in Dr. Heaps and in UCLA, the  
13 institution at which she was pursuing her post-graduate education. Dr. Heaps and the UC  
14 Regents greatly betrayed Plaintiff Doe 46’s trust.

15 117. On or about April 1, 2013, Dr. Heaps performed the recommended procedure  
16 on Plaintiff Doe 46 at a UCLA outpatient surgery center under anesthesia. Plaintiff Doe 46  
17 is uncertain why it was medically necessary for her to be put under anesthesia for a  
18 procedure that is generally considered minor and can be performed on an out-patient basis.  
19 While Plaintiff Doe 46 was in recovery from the procedure at the UCLA outpatient surgery  
20 center, Dr. Heaps came into her recovery area and informed her that, during the procedure,  
21 he had seen a mass on her ovary that was likely benign. Plaintiff Doe 46 – who had just  
22 awakened from anesthesia and was thus in a particularly vulnerable state – asked Dr. Heaps  
23 if the mass he had seen could be related to endometriosis and a cause of back pain. Dr. Heaps  
24 replied that the condition would not cause back pain but would cause pain “here” and then  
25 proceeded to massage Plaintiff Doe 46’s upper buttocks in what she now understands to be a  
26 sexual manner. Plaintiff Doe 46 now realizes that this touching by Dr. Heaps was not  
27 medically necessary or appropriate but was in fact sexual battery, carried out for Dr. Heaps’  
28 own sexual gratification.

1 118. Following the surgery, Plaintiff Doe 46 was seen by physician’s assistants at  
2 Dr. Heaps office for post-operative appointments on April 9, 2013 and April 12, 2013.

3 119. In or about June of 2019, Plaintiff Doe 46 learned that Dr. Heaps had been  
4 arrested for sexually abusing patients and came to understand that that Dr. Heaps’ conduct  
5 towards her in 2013 was in fact sexually harassing and abusive. Since the realization that  
6 she was sexually abused and harassed by Dr. Heaps, and that UCLA could have prevented  
7 the abuse, Plaintiff Doe 46 has suffered from anxiety, depression, loss of self-esteem,  
8 humiliation, and symptoms of post-traumatic stress disorder.

9 120. Dr. Heaps was in a position of power and authority over Plaintiff Doe 46 at the  
10 time she was his patient: Plaintiff Doe 46 was a professional school student at UCLA while  
11 Dr. Heaps was a highly regarded physician. UCLA referred Plaintiff Doe 46 to Dr. Heaps  
12 and held him out as a preeminent provider of gynecological care whom Plaintiff Doe 46  
13 could entrust with her care. Since coming to the realization that she was sexually abused,  
14 Plaintiff Doe 46 has suffered from feelings of humiliation, worthlessness, sadness, and  
15 betrayal, knowing that the UC Regents allowed Dr. Heaps to take advantage of his position  
16 to sexually harass, physically batter and degrade her. Plaintiff Doe 46 continues to be  
17 traumatized by this abuse in ways that impact her daily life and medical care, including her  
18 desire to seek care only from female physicians where possible.

19 **Dr. Heaps’ “Retirement” from UCLA Health**

20 121. On further information and belief, on or about June 30, 2018, Dr. Heaps ceased  
21 providing services to patients through UCLA Health. On information and belief, on or about  
22 June 19, 2018, UCLA Health sent a letter, authored by Dr. Deborah Krakow, MD, Professor  
23 and Chair of the Department of Obstetrics and Gynecology and Professor of Human  
24 Genetics and Orthopedic Surgery, David Geffen School of Medicine at UCLA, to patients of  
25 Dr. Heaps. In that letter, Dr. Krakow stated that “[i]t is with mixed emotions that I announce  
26 the retirement of Dr. James Heaps.” At the time that UCLA Health sent this notification  
27 letter to patients of Dr. Heaps, UCLA Health was aware of specific allegations against  
28 Dr. Heaps and of the then-ongoing California Medical Board Investigation of Dr. Heaps.

1           122. All of the actions of Dr. Heaps alleged in the following causes of action were  
2 ratified and approved by the officers or managing agents of the UC Regents. Further, the UC  
3 Regents had notice of Dr. Heaps' unfitness in advance of his sexual battery and harassment  
4 of Plaintiffs, yet failed to take corrective action to protect Plaintiffs or other students or  
5 patients. Despite this notice, the UC Regents allowed Dr. Heaps to remain employed and left  
6 him in a position where he could molest, batter, and harass Plaintiffs, other patients, and  
7 students.

8           123. The UC Regents condoned and ratified the conduct of Dr. Heaps by their  
9 advance notice of Dr. Heaps' unfitness at work, by their failure to make required reports of  
10 suspected abuse, and by their failure to take immediate corrective action to protect Plaintiffs  
11 and other patients (including students) from further harm after reports — and formal  
12 California Medical Board investigations — of Dr. Heaps' sexual assault of patients.

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

20           125. The female chaperones who were at times in the room during Dr. Heaps'  
21 sexual battery and harassment of Plaintiffs acted recklessly and negligently, in that they  
22 failed to reasonably perform their duties as a chaperone and failed to act with the ordinary  
23 care one would expect. The chaperones — on information and belief, employees of the UC  
24 Regents — failed to raise any alarms during Dr. Heaps' misconduct (which they witnessed)  
25 or take any other reasonably expected actions to prevent or stop the misconduct, despite  
26 being aware of the lack of medical necessity of Dr. Heaps' touching and comments to  
27 Plaintiffs. Further, on information and belief, the chaperones did not report Dr. Heaps'  
28 misconduct.

1           126. Plaintiffs are now informed and believe, and based thereon allege, that the UC  
2 Regents further breached its duties owed to Plaintiffs and other patients by, among other  
3 things, failing to conduct reasonable investigation and/or due diligence prior to hiring  
4 individuals assigned to assist Dr. Heaps during the relevant time period, including those  
5 charged with the important task of chaperoning gynecological examinations.

6           127. On information and belief, one nurse/chaperone employed by UCLA Health  
7 from in or about 2003 until in or about 2016 was retained despite the fact that she was — in  
8 or about 2008 — criminally charged with welfare fraud and perjury, and pleaded guilty to  
9 welfare fraud. On information and belief, during the time she was employed by the UC  
10 Regents, this nurse/chaperone was also a defendant in a civil harassment suit. It is unclear  
11 why such an individual would be hired into a position of trust, with access to private patient  
12 medical and personal information. Nor is it clear why such a person would be called upon to  
13 act as a chaperone and purportedly safeguard women’s well-being and safety.

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

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

28           130. Dr. Heaps’ misconduct, the chaperones’ silence and inaction — and the UC



1 Regents' cover up — has resulted in tremendous harm to Plaintiffs. The physical and  
2 psychological aftermath of Dr. Heaps' conduct has been severe for Plaintiffs. Since coming  
3 to understand what was done to them, they have suffered from shock, humiliation,  
4 embarrassment, and other forms of severe emotional distress. This has resulted in  
5 sleeplessness, lack of focus, anxiety, flashbacks, and other physical and psychological  
6 manifestations of the distress caused by Defendants' egregious acts.

7 **THE PARTIES**

8 131. Plaintiff Jane Doe 37 currently resides in the County of Chisago, State of  
9 Minnesota.

10 132. Plaintiff Jane Doe 38 currently resides in the County of Mono, State of  
11 California.

12 133. Plaintiff Jane Doe 39 currently resides in the County of Los Angeles, State of  
13 California.

14 134. Plaintiff Jane Doe 40 currently resides in the County of Los Angeles, State of  
15 California.

16 135. Plaintiff Jane Doe 41 currently resides in the County of Los Angeles, State of  
17 California.

18 136. Plaintiff Jane Doe 42 currently resides in the County of Los Angeles, State of  
19 California.

20 137. Plaintiff Jane Doe 43 currently resides in the County of Los Angeles, State of  
21 California.

22 138. Plaintiff Jane Doe 44 currently resides in the County of Jefferson, State of  
23 Kentucky.

24 139. Plaintiff Jane Doe 45 currently resides in the County of Los Angeles, State of  
25 California.

26 140. Plaintiff Jane Doe 46 currently resides in the County of San Diego, State of  
27 California.

28 141. Defendant UC Regents is, and at all times relevant hereto was, a California

1 Corporation having its principal place of business in the State of California. Upon  
2 information and belief, the UC Regents is the governing body of the University of California  
3 and exercises the ultimate dominion and control of the same. UCLA is an educational  
4 institution of higher learning.

5 142. Plaintiffs are informed and believe, and on that basis allege, that UC Regents  
6 owned, operated, and maintained UCLA Health, through which medical services were  
7 provided to Plaintiffs, pursuant to licenses issued by the California State Department of  
8 Health, and provided health care as healthcare facilities.

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

13 144. Plaintiffs are ignorant of the true name of the female nurses/chaperones that  
14 were in the room during Dr. Heaps' sexual battery and harassment of Plaintiffs, and therefore  
15 sue these defendants as Roes 1 through 5. Upon information and belief, Plaintiffs allege  
16 that Roes 1 through 5 were nurses employed by the UC Regents. Plaintiffs will amend this  
17 Complaint to allege Defendants Roes 1 through 5's true names and capacities when it has  
18 been ascertained or upon proof at trial. Plaintiffs allege that Roes 1 through 5 are legally  
19 responsible in some manner for the occurrences and damages alleged herein and/or are  
20 jointly and severally liable.

21 145. Plaintiffs are ignorant of the true names and capacities of defendants sued as  
22 Roe Nos. 6 through 20, inclusive, and sue these Roe defendants by these fictitious names.  
23 Plaintiffs will amend this Complaint to allege their true names and capacities when they have  
24 been ascertained or upon proof at trial. Plaintiffs allege that each of the fictitiously named  
25 Roe defendants is legally responsible in some manner for the occurrences and damages  
26 alleged herein and/or is jointly and severally liable for the obligations of the other  
27 defendants.

28 146. Plaintiffs are informed and believe, and based thereon allege, that at all times



1 Los Angeles; thus, venue is properly in the County of Los Angeles.

2 **FIRST CAUSE OF ACTION**

3 **(Violations of Unruh Act by all Plaintiffs against all Defendants: Civil Code § 51)**

4 153. Plaintiffs incorporate Paragraphs 1 through 152 as though fully set forth herein.

5 154. Plaintiffs' civil rights were violated by Defendants when they abused and  
6 harassed Plaintiffs and when they intentionally and fraudulently concealed complaints of  
7 sexual exploitation, sexual abuse, sexual harassment, and molestation by Dr. Heaps from  
8 other patients. Plaintiffs had a right to be free from gender discrimination, sexual  
9 molestation, abuse, and harassment under the Unruh Civil Rights Act.

10 155. The Defendants were acting under the color of their authority and in the scope  
11 of their employment during the instances when Plaintiffs were patients at UCLA Health  
12 and/or at facilities owned and maintained by UCLA.

13 156. The Defendants denied Plaintiffs full and equal accommodations, advantages,  
14 facilities, privileges, and healthcare services because of their gender, by allowing Dr. Heaps  
15 unfettered access to sexually abuse Plaintiffs, by and through his position of authority as a  
16 UCLA Health gynecologist, by actively concealing from Plaintiffs the knowledge that  
17 Dr. Heaps was a serial sexual predator, which the UC Regents enabled and which conduct  
18 the UC Regents ratified.

19 157. By employing and retaining Dr. Heaps as a gynecologist, despite their  
20 knowledge of reports of Dr. Heaps' sexually abusive nature, Defendants exposed female  
21 patients, including Plaintiffs, to Dr. Heaps' sexual abuse and harassment. Defendants'  
22 retention of Dr. Heaps denied Plaintiffs, and all of their other female patients, full and equal  
23 access to safe medical facilities, treatment, and services, based upon their gender.

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



1 engaging was not medically necessary, had no relief except to submit to the Defendants'  
2 wrongful threats, intimidation, harassment, violence, and coercion, which rendered  
3 Plaintiffs' submission involuntary.

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

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

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

26 169. In subjecting Plaintiffs to the wrongful treatment herein described, Dr. Heaps  
27 acted willfully and maliciously with the intent to harm Plaintiffs, and in conscious disregard  
28 of Plaintiffs' rights, so as to constitute malice and oppression under California Civil Code §

1 3294. Plaintiffs are therefore entitled to the recovery of punitive damages against Dr. Heaps,  
2 in an amount to be determined according to proof.

3 **THIRD CAUSE OF ACTION**

4 **(Committing and Enabling Sexual Harassment by all Plaintiffs against all Defendants:**  
5 **Civil Code § 51.9)**

6 170. Plaintiffs incorporate Paragraphs 1 through 169 as though fully set forth herein.

7 171. During Plaintiffs' time as patients at UCLA, Defendants intentionally,  
8 recklessly, and wantonly committed, enabled, and omitted, acts which resulted in harmful  
9 and offensive contact with intimate parts of Plaintiffs' persons, including but not limited to:  
10 performing overly-lengthy pelvic examinations for his own sexual gratification, performing  
11 ultrasound procedures and breast exams in a sexual manner, and making sexually  
12 inappropriate comments to Plaintiffs, which Plaintiffs have now come to understand were  
13 without medical justification, all under the supervision of Defendant the UC Regents.  
14 Female chaperones who were at times in the room during Plaintiffs' examinations by  
15 Dr. Heaps sat silently as Plaintiffs were mistreated.

16 172. During Plaintiffs' time as patients at UCLA, Defendants also intentionally,  
17 recklessly, and wantonly made, and enabled, what Plaintiffs have now come to understand  
18 were sexual and exploitative statements of a prurient nature, based on Plaintiffs' gender that  
19 were unwelcome, pervasive, and severe, all under the supervision of Defendant UC Regents.  
20 Again, the female chaperones who were at times in the room during Plaintiffs' examinations  
21 sat silently as Plaintiffs were subjected to these comments.

22 173. The incidents of abuse outlined herein took place while Plaintiffs were under  
23 the control of Dr. Heaps and Defendant UC Regents in their capacities and positions as a  
24 physician and as a supervisor of physicians, medical professionals, and other staff at  
25 Defendants' premises, and while acting specifically on behalf of Defendants' herein.

26 174. Because of Plaintiffs' relationships with Defendants Dr. Heaps and the UC  
27 Regents; Dr. Heaps' status as a prominent, highly compensated gynecologist employed by  
28 Defendant UC Regents and promoted on the UCLA Health website as a highly skilled

1 physician; and Plaintiffs' vulnerability as gynecological patients, Plaintiffs were unable to  
2 easily terminate the relationship they had with the Defendants.

3 175. Because of Dr. Heaps' status, position of authority, physical seclusion of  
4 Plaintiffs, Plaintiffs' mental and emotional state, Plaintiffs' vulnerable position, and the fact  
5 that Plaintiffs did not understand that Dr. Heaps' conduct was not medically necessary,  
6 Plaintiffs were unable to, did not, and could not give consent to such acts.

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

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

24 178. Defendants' conduct (and the conduct of their agents, servants, and/or  
25 employees) was a breach of their duties to Plaintiffs.

26 179. As a result of the above-described conduct, Plaintiffs have suffered and  
27 continue 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 humiliation, and loss of enjoyment of life; have suffered and continue to suffer and were  
2 prevented and will continue to be prevented from performing daily activities and obtaining  
3 the full enjoyment of life; and/or have incurred and will continue to incur expenses for  
4 medical and psychological treatment, therapy, and counseling.

5 **FOURTH CAUSE OF ACTION**

6 **(Battery by all Plaintiffs against all Defendants)**

7 180. Plaintiffs incorporate Paragraphs 1 through 179 as though fully set forth herein.

8 181. During the course of treatment of Plaintiffs, Dr. Heaps used his powers and  
9 abilities as a physician, and his knowledge and background and access to Plaintiffs, to  
10 sexually batter Plaintiffs, knowing that they would be vulnerable to this type of sexual  
11 battery. As described herein with regard to certain or all Plaintiffs, Dr. Heaps performed  
12 overly-lengthy pelvic exams for his own gratification and performed ultrasound procedures  
13 and breast exams in a sexual manner which Plaintiffs now understand were designed to  
14 sexually stimulate Plaintiffs and gratify himself, without medical justification, all under the  
15 supervision of the UC Regents.

16 182. The female chaperones who were at times in the room during the visits enabled  
17 the sexual battery and assault of Plaintiffs by failing to reasonably perform their duties as  
18 chaperones and failing to raise any alarms during Dr. Heaps' misconduct or take any other  
19 reasonably expected actions to prevent the harm inflicted upon Plaintiffs.

20 183. Had Dr. Heaps not been in a position of power and authority over Plaintiffs  
21 and had Plaintiffs not been treated by Defendants, Plaintiffs would have never permitted  
22 such sexual contact by Dr. Heaps, which acts (they now understand) constituted a harmful or  
23 offensive touching and battery upon their persons.

24 184. Plaintiffs did not consent to the sexualized touching and sexual contact.

25 185. 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  
28 of Dr. Heaps' employment at UCLA. Plaintiffs suffered severe emotional distress and

1 physical injury as a result of Dr. Heaps' misconduct and damages as otherwise alleged in this  
2 complaint. In addition, at the time they were in the examination room and while they were  
3 witnessing Dr. Heaps' battery of Plaintiffs, the female chaperones were acting in the course  
4 and scope of their employment with UCLA.

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

18 187. In doing the acts alleged herein, Dr. Heaps used the power and authority  
19 conferred upon him by Defendants UC Regents to get access to patients such as Plaintiffs. It  
20 is predictable and foreseeable, given Defendants' knowledge of Dr. Heaps' prior misconduct  
21 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  
23 Dr. Heaps' position would abuse the power and authority the UC Regents conferred upon  
24 him by engaging in assaultive conduct. As such, Dr. Heaps' conduct is incident to his  
25 agency with the UC Regents, so as to be fairly attributable to them.

26 188. As a proximate result of the above, Plaintiffs suffered damages as otherwise  
27 alleged in this Complaint.

28 189. Dr. Heaps' conduct alleged herein was despicable, and was done willfully

1 and/or with a conscious disregard of Plaintiffs' rights, and/or intentionally, maliciously, or in  
2 reckless disregard of the high probability of injury to Plaintiffs and others. Defendants, and  
3 each of them, were in a special relationship with Plaintiffs by virtue of the fact that they were  
4 patients at UCLA Health and receiving their services.

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

15 191. In subjecting Plaintiffs to the wrongful treatment herein described, Defendant  
16 Heaps acted willfully and maliciously with the intent to harm Plaintiffs, and in conscious  
17 disregard of Plaintiffs' rights, so as to constitute malice and oppression under California  
18 Civil Code § 3294. Plaintiffs are therefore entitled to the recovery of punitive damages  
19 against Defendant Heaps, in an amount to be determined according to proof.

#### 20 **FIFTH CAUSE OF ACTION**

#### 21 **(Sexual Battery by all Plaintiffs against all Defendants: Civil Code § 1708.5)**

22 192. Plaintiffs incorporate Paragraphs 1 through 191 as though fully set forth herein.

23 193. During Plaintiffs' time as patients with Defendants, Dr. Heaps intentionally,  
24 recklessly, and wantonly did acts certain acts as alleged herein with regard to certain  
25 Plaintiffs which Plaintiffs now understand were intended to, and did, result in harmful and  
26 offensive contact with intimate parts of Plaintiffs' persons, including but not limited to:  
27 performing overly-lengthy pelvic exams designed to gratify himself and performing  
28 ultrasound procedures and breast exams in a sexual manner which Plaintiffs now understand

1 were designed to sexually stimulate Plaintiffs and gratify himself, without medical  
2 justification, all under the supervision of the UC Regents.

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

7 195. Had Dr. Heaps not been in a position of power and authority over Plaintiffs  
8 and had they not been treated by Defendants, they would have never permitted such sexual  
9 contact by Dr. Heaps.

10 196. Plaintiffs did not consent to this sexualized touching and sexual contact.

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

17 198. At the time they were in the examination room and while they were witnessing  
18 Dr. Heaps' battery of Plaintiffs, the female chaperones were acting in the course and scope  
19 of their employment with UCLA.

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



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

6           206. 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  
8 other patients — in a position of care of Plaintiffs, which enabled Dr. Heaps to have access  
9 to Plaintiffs so that he could commit wrongful sexual acts, including the conduct described  
10 herein.

11           207. 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  
13 Dr. Heaps from committing wrongful sexual acts with patients, including Plaintiffs, 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 Plaintiffs' comfort and safety during a  
16 gynecological exam would sit idly by and not say anything while Plaintiffs were being  
17 sexually abused by a physician. A reasonable person would not expect that UCLA would  
18 not vet its nurse/chaperones to determine whether they have criminal histories and remove  
19 them from their positions when it is clear that they have alcohol and drug dependencies.  
20 Indeed the presence — at times — of a silent chaperone has now further exacerbated  
21 Plaintiffs' extreme embarrassment and harm as they were subjected to what they now  
22 understand to be misconduct with a silent audience.

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

26           209. As a result of the above-described conduct, Plaintiffs have suffered and  
27 continue 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 in place a reasonable system or procedure to investigate, supervise, and monitor its UCLA  
2 physicians and healthcare personnel, including Dr. Heaps, to prevent sexual harassment,  
3 sexual exploitation, molestation, and abuse of patients, nor did they implement a system or  
4 procedure to oversee or monitor conduct toward patients and others in their care.

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

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

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

28         225. The UC Regents were placed on actual or constructive notice that Dr. Heaps

1 had molested or was molesting female patients during his employment. Defendants had  
2 knowledge of inappropriate conduct, exploitation, and serial molestations committed by  
3 Dr. Heaps during his employment, yet chose to allow him to interact with patients, including  
4 Plaintiffs.

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

9         227. The UC Regents' conduct in enabling Dr. Heaps to serially sexually assault his  
10 female patients was a long-standing, gross, and inexcusable violation of the duty of care  
11 owed to Plaintiffs.

12         228. Because the UC Regents:

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

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

26         229. The UC Regents, their agents, servants, and/or employees knew Dr. Heaps was  
27 sexually exploiting, abusing, and harassing female patients and refused to take any action to  
28 stop him. Moreover, the UC Regents, their agents, servants, and/or employees hid this



1 exploitation committed by Dr. Heaps during his employment, yet chose to allow him to  
2 continue interacting with patients, including Plaintiffs.

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

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

14         237. The UC Regents’ conduct in enabling Dr. Heaps to serially sexually assault his  
15 female patients was a long-standing, gross, and inexcusable violation of the duty of care  
16 owed to Plaintiffs.

17         238. Because the UC Regents:

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

1 intimate examinations and report misbehavior;  
2 the UC Regents have ratified the conduct of Dr. Heaps as set forth herein.

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

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

18 **TENTH CAUSE OF ACTION**

19 **(Negligent Failure to Warn, Train, or Educate by all Plaintiffs**

20 **Against the UC Regents)**

21 241. Plaintiffs incorporate Paragraphs 1 through 240 as though fully set forth herein.

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

28 243. Defendant UC Regents breached its duty to take reasonable measures to

1 protect Plaintiffs and other female patients from the risk of sexual harassment and abuse by  
2 Dr. Heaps, such as the failure to properly warn Plaintiffs and other patients about Dr. Heaps.

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

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

15 246. By breaching its duty, Defendant UC Regents unreasonably and wrongfully  
16 exposed Plaintiffs and other patients to sexual battery and abuse.

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

#### 24 **ELEVENTH CAUSE OF ACTION**

25 **(Ordinary Negligence against by all Plaintiffs against Defendants UC Regents**  
26 **and Roes)**

27 248. Plaintiffs incorporates Paragraphs 1 through 247 as though fully set forth  
28 herein.







1           261. During Plaintiff Doe 42 and Plaintiff Doe 43’s respective times as a patient  
2 with Defendants, Dr. Heaps intended to cause harmful or offensive contact with Doe 42 and  
3 Doe 43, or intended to put them in imminent apprehension of such conduct.

4           262. In doing certain of the things herein alleged, Plaintiff Doe 42 and Plaintiff Doe  
5 43 were in imminent apprehension of a harmful or offensive contact by Dr. Heaps and  
6 actually believed Dr. Heaps had the ability to make harmful or offensive contact with  
7 Plaintiff Doe 42 and Plaintiff Doe 43.

8           263. Neither Plaintiff Doe 42 nor Plaintiff Doe 43 consented to Dr. Heaps’ intended  
9 harmful or offensive contact, or his intent to put them in imminent apprehension of such  
10 contact.

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

14           265. Plaintiff Doe 42 and Plaintiff Doe 43 suffered severe emotional distress and  
15 physical injury as a result of Dr. Heaps’ misconduct and damages, as otherwise alleged in  
16 this Complaint.

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

26           267. In doing so the acts alleged herein, Dr. Heaps used the power and authority  
27 conferred upon him by Defendant UC Regents to get access to patients such as Plaintiffs. It  
28 is predictable and foreseeable, given Defendants’ negligent supervision of Dr. Heaps, and

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

6 268. In doing the things herein alleged, Defendants violated Plaintiff Doe 42 and  
7 Plaintiff Doe 43’s rights, pursuant to California Civil Code § 43, of protection from bodily  
8 restrain or harm, and from personal insult. In doing the things herein alleged, Defendants  
9 violated the duty, pursuant to California Civil Code § 1708, to abstain from injuring the  
10 person of Plaintiff Doe 42 and Plaintiff Doe 43 or infringing upon their rights.

11 269. As a proximate result of the above, Plaintiff Doe 42 and Plaintiff Doe 43  
12 suffered damages as otherwise alleged in this Complaint. As a direct, legal, and proximate  
13 result of Dr. Heaps’ conduct, Plaintiff Doe 42 and Plaintiff Doe 43 sustained serious and  
14 permanent injury to their persons, all of this damage in an amount to be shown according to  
15 proof and within the jurisdiction of this Court.

16 270. Plaintiff Doe 42 and Plaintiff Doe 43 is informed and believes and based  
17 thereon alleges that the conduct of Dr. Heaps was oppressive, malicious, and despicable in  
18 that it was intentional and done in conscious disregard for the rights and safety of others, and  
19 was carried out with a conscious disregard for Plaintiffs’ right to be free from tortious  
20 behavior, such as to constitute oppression, fraud, or malice pursuant to California Civil Code  
21 § 3294, entitling Plaintiff Doe 42 and Plaintiff Doe 43 to punitive damages against Dr. Heaps  
22 in an amount appropriate to punish and set an example of Dr. Heaps and send a cautionary  
23 message to others similarly situated.

24 **FOURTEENTH CAUSE OF ACTION**

25 **(Unfair Business Practices (Business & Professions Code § 17200) by all Plaintiffs**  
26 **against Defendant Heaps and Roes)**

27 271. Plaintiffs incorporate Paragraphs 1 through 270 as though fully set forth herein.

28 272. Plaintiffs are informed and believe, and on that basis allege, that Defendant

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

12         273. Plaintiffs are informed and believe, and on that basis allege, that Defendants  
13 engaged in a common scheme, arrangement, or plan to actively conceal allegations against  
14 Dr. Heaps so that Defendants could maintain their public image, be insulated from public  
15 scrutiny and embarrassment, and otherwise avoid the detection of such abuse, all in an effort  
16 to project a false sense of safety and security for patients and benefit financially.

17         274. 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         275. Unless restrained, Defendants will continue to engage in the unlawful, unfair,  
21 and/or deceptive business practices described above, resulting in irreparable harm to  
22 Plaintiffs and the public.

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

27         277. Pursuant to Section 17203 of the California Business & Professions Code and  
28 available equitable powers of the Court, Plaintiffs are entitled to and seek an injunction

1 enjoining Defendants from continuing their unlawful, unfair, and/or deceptive business  
2 practices. Further, Plaintiffs are 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 by all Plaintiffs against all Defendants)**

6 278. Plaintiffs incorporate Paragraphs 1 through 277 as though fully set forth herein.

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

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

15 281. By virtue of their confidential, fiduciary, and special relationship with  
16 Plaintiffs, Defendants owed Plaintiffs a duty to:

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

28 282. On information and belief, Defendants breached their respective duties by:

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

22 283. Defendant made affirmative or implied representations and nondisclosures of  
23 material facts about Dr. Heaps and his suitability to provide gynecological care to patients,  
24 and knowingly and intentionally suppressed material facts about past allegations of  
25 misconduct against Dr. Heaps that the UC Regents knew or should have known about.

26 284. Given their need for medical treatment, and their trust and care in Defendants,  
27 Plaintiffs were vulnerable to Defendants.

28 285. At the time Defendants engaged in such suppression and acts of concealment,

1 such acts were done for the purpose of causing Plaintiffs to forebear on their rights.

2       286. Defendants' conduct did reasonably cause Plaintiffs to forebear on their rights,  
3 and Plaintiffs justifiably relied upon Defendants for information about Dr. Heaps.

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

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

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

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

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

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

