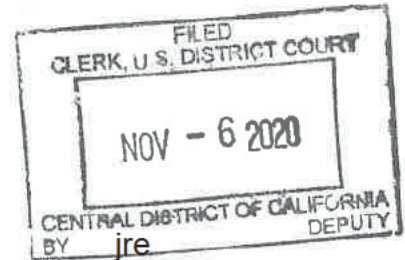


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22 **UNITED STATES DISTRICT COURT**
23 **CENTRAL DISTRICT OF CALIFORNIA**

24 A.B., C.D., E.F., G.H., I.J, K.L., and
25 M.N., on behalf of themselves and all
26 others similarly situated,

27 Plaintiffs,

28 v.

THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA and JAMES MASON
HEAPS,

Defendants.

Case No. 2:20-CV-09555-RGK (Ex)
CORRECTED
CLASS ACTION COMPLAINT

DEMAND FOR JURY TRIAL

REDACTED VERSION FILED UNDER
SEAL PURSUANT TO ORDER OF THE
COURT DATED OCTOBER 27, 2020
(DOCUMENT # 12)

BY FAX

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CLASS ACTION COMPLAINT

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1 Plaintiffs A.B., C.D., E.F., G.H., I.J., K.L., and M.N., individually and on behalf
2 of a class of women who were examined by James Mason Heaps, M.D. at the University
3 of California, Los Angeles (UCLA), allege as follows.

4 **NATURE OF THE CASE**

5 1. Dr. James Heaps, an obstetrician-gynecologist (OB-GYN) specializing in
6 oncology, saw patients at UCLA medical facilities between 1983 and 2018. He was
7 arrested in June 2019 and indicted on two counts of sexual battery and one count of
8 sexual exploitation by a physician.

9 2. Plaintiffs are four of the many women who visited Heaps for sensitive
10 women's health treatment at UCLA. Heaps caused lasting damage to them and his other
11 patients by sexually assaulting them and making lewd statements while conducting
12 medical examinations.

13 3. UCLA breached its duties to Plaintiffs and other women by keeping Heaps
14 on staff despite receiving numerous complaints about his behavior dating back to 1999 at
15 the latest. As part of a policy of indifference to sexual misconduct complaints against
16 physicians at UCLA Health, UCLA failed to investigate or adequately investigate
17 complaints about Heaps's conduct, and failed to terminate or suspend him during or after
18 those investigations and complaints. UCLA kept Heaps on staff even after the Medical
19 Board of California opened its own investigation into his conduct in 2014. UCLA
20 nurses and medical assistants also attended Heaps's examinations and observed his
21 predatory behavior but did nothing to stop it.

22 4. More than 50 women have now come forward to report inappropriate
23 sexual contact or comments by Heaps, and UCLA has paid over \$3 million in individual
24 settlements relating to Heaps's conduct. In June 2018, without disclosing the results of
25 its investigation—which found Heaps violated university policy on sexual violence—
26 UCLA allowed Heaps to quietly resign. Only after Heaps's arrest did UCLA issue a
27 statement that it was “deeply sorry” that its women's health doctor violated “the trust of
28 his patients.”

1 5. Plaintiffs bring this action to obtain relief for themselves and other women
2 who saw Heaps for treatment.

3 **JURISDICTION AND VENUE**

4 6. The Court has original jurisdiction under 28 U.S.C. § 1331 based on
5 Plaintiffs' claim under Title IX of the federal civil rights laws, 20 U.S.C. § 1681 *et seq.*
6 Additionally, under 28 U.S.C. § 1367, the Court has supplemental jurisdiction over
7 Plaintiffs' remaining claims, which arise under California law. The Court also has
8 jurisdiction over this lawsuit under the Class Action Fairness Act, 28 U.S.C. § 1332,
9 because this is a proposed class action in which: (1) there are at least 100 class members;
10 (2) the combined claims of class members exceed \$5,000,000, exclusive of interest,
11 attorneys' fees, and costs; and (3) Defendants, Plaintiff A.B., and members of the class
12 are domiciled in different states.

13 7. The Court has personal jurisdiction over the Regents of the University of
14 California (the "UC Regents") because Heaps examined Plaintiffs and other women who
15 comprise the proposed class in California, and because the UC Regents has sufficient
16 minimum contacts with California to render the exercise of jurisdiction by this Court
17 proper and necessary.

18 8. The Court has personal jurisdiction over Heaps by virtue of his citizenship
19 of and residency in California.

20 9. Venue is proper in this District under 28 U.S.C. § 1391. A substantial part
21 of the events and omissions giving rise to the claims occurred in this District.

22 **PARTIES**

23 10. Plaintiff A.B. is a citizen and resident of Hawaii County, Hawaii.

24 11. Plaintiff C.D. is a citizen and resident of Los Angeles County, California.

25 12. Plaintiff E.F. is a citizen and resident of Los Angeles County, California.

26 13. Plaintiff G.H. is a citizen and resident of Ventura County, California.

27 14. Plaintiff I.J. is a citizen and resident of Los Angeles County, California.

28 15. Plaintiff K.L. is a citizen and resident of Los Angeles County, California.

1 16. Plaintiff M.N. is a citizen and resident of Philadelphia County,
2 Pennsylvania.

3 17. Plaintiffs are using initials in this litigation to protect their privacy, and if
4 required by the Court, will seek permission to proceed under pseudonyms.

5 18. Defendant UC Regents is a California corporation headquartered in
6 Alameda County, California. The UC Regents serves as the governing board of the
7 University of California and control its operations, including at UCLA. The UC Regents
8 is authorized to administer, and possess the exclusive authority to bind, UCLA Health
9 System (“UCLA Health”), which includes Ronald Reagan UCLA Medical Center;
10 UCLA Medical Center, Santa Monica; UCLA Mattel Children’s Hospital; the Stewart
11 and Lynda Resnick Neuropsychiatric Hospital at UCLA; UCLA Health Clinics; UCLA
12 Faculty Group; and the David Geffen School of Medicine at UCLA.

13 19. Defendant James Mason Heaps, M.D. is a citizen and resident of Los
14 Angeles County, California. Heaps began working for UCLA Health, in 1983.

15 **FACTUAL ALLEGATIONS**

16 **A. Heaps Assaulted Plaintiffs**

17 **1. A.B.**

18 20. In 2012, A.B. asked her primary care doctor at UCLA Health to recommend
19 an OB/GYN. Her doctor recommended that she visit Heaps.

20 21. When Heaps first started seeing A.B., he told her that she should see him
21 once every six months for a pap smear. A.B. visited Heaps in 2012 and at least twice in
22 2013.

23 22. In early 2014, A.B. had another OB/GYN appointment with Heaps for a
24 regularly scheduled pap smear. A nurse escorted her into an exam room and asked her
25 to disrobe completely and put on a paper gown. The nurse left the room and did not
26 return. No one else was present during A.B.’s visit.

27 23. Heaps entered the exam room and said that he wanted to do a transvaginal
28 ultrasound in addition to the pap smear. A transvaginal ultrasound is a type of pelvic

1 ultrasound used to examine female reproductive organs. A transvaginal ultrasound
2 involves inserting an ultrasound probe two to three inches into the vaginal canal.

3 24. After conducting the pap smear, Heaps began the transvaginal ultrasound.
4 He aggressively inserted the ultrasound probe deep into A.B.'s vaginal canal. He did not
5 rotate the probe or move it to different areas, but instead kept pushing it straight and
6 deeper inside her body.

7 25. Throughout the procedure, Heaps looked only at A.B.'s face and did not
8 look at the monitor showing the sonogram images.

9 26. A.B. told Heaps that she was in severe pain. Heaps said that the pain was
10 normal and "all women feel it." He continued to probe her aggressively, causing
11 prolonged, severe pain, for at least 15 minutes. A.B. stayed silent for the remainder of
12 the procedure. Although she was in pain and disconcerted that Heaps was staring at her
13 face, A.B. assumed that what he was doing was medically proper and necessary.

14 27. After about 15 to 20 minutes, Heaps said he was done and that A.B. could
15 get dressed. Although she was asked to (and did) disrobe from the waist up, Heaps did
16 not conduct a breast exam during the appointment.

17 28. Heaps did not explain the results of the transvaginal ultrasound during the
18 appointment. Nor did A.B. ever hear from anyone at UCLA Health about the results.

19 29. Years later, A.B. had the same procedure performed by a different doctor.
20 She did not experience any pain, and the doctor was looking at the monitor throughout
21 the procedure. That doctor told her that a transvaginal ultrasound is only necessary for
22 certain symptoms and medical conditions. She did not have any of those symptoms or
23 conditions when Heaps performed the procedure.

24 30. In or around October 2014, A.B. saw Heaps for her next regularly
25 scheduled pap smear. A nurse escorted A.B. into an exam room and asked her to disrobe
26 completely and put on a paper gown. The nurse left the room and did not return. No
27 one else was present during this visit.

1 31. Heaps came into the room and said he was going to do a breast exam and
2 pap smear.

3 32. A.B. expected Heaps to palpate specific areas of each breast, as she had
4 experienced during breast exams with other medical professionals. Instead, Heaps
5 fondled, cupped, and jiggled her breasts in a sexual manner, as if for his own sexual
6 gratification or in an attempt to sexually stimulate her. While he was fondling, cupping,
7 and jiggling her breasts, Heaps stared at A.B.'s face and said nothing.

8 33. A.B. was shocked and unable to speak or move while this was happening.
9 Finally she turned her head toward Heaps and made eye contact. At that point, Heaps
10 pulled his hands away and said, "okay, we're going to do the pap smear now."

11 34. After the pap smear, Heaps said he was done and that A.B. could get
12 dressed. He then left the room. A.B. was still in shock when she left. She felt violated
13 but did her best to forget about what happened, resolving to find a different OB/GYN
14 because she could not bear to see Heaps again.

15 35. Her new doctor, who was also an employee of UCLA Health, told her that
16 she did not need pap smears every six months (as Heaps had insisted), as once a year
17 was enough. A.B. saw the new doctor annually for a pap smear. He never conducted or
18 raised the possibility of her needing a transvaginal ultrasound.

19 36. A.B. did not tell anyone about her experiences with Heaps because they
20 were too painful to relive and because she felt embarrassed and ashamed. She kept
21 trying to convince herself that a UCLA doctor must have provided the highest standard
22 of care and that, somehow, what happened was her fault. A.B. tried to suppress her
23 memories of her visits with Heaps—without success.

24 37. A.B. feels deeply upset, demeaned, abused, and violated by Heaps.

25 38. Heaps violated and injured A.B. by, among other things, (1) failing to
26 advise and inform her of the procedures being performed, (2) aggressively probing her
27 vaginal canal and causing her pain during an unnecessary transvaginal ultrasound, and
28

1 (3) fondling, cupping, and jiggling her breasts in a sexual manner under the guise of
2 giving a breast exam.

3 39. Because Heaps was an employee of UCLA Health, A.B. reasonably
4 believed that Heaps's conduct must have been legitimate medical treatment.

5 40. In June 2019, A.B. received a letter from UCLA stating that Heaps was
6 "charged with sexual battery and sexual exploitation in connection with his medical
7 practice." UCLA noted in the letter that the criminal charges against Heaps were "very
8 disturbing."

9 41. After reading this letter, A.B. realized for the first time that Heaps's actions
10 at her appointments were sexual assaults. This realization has caused her to experience
11 severe psychological and emotional distress. She suffered and continues to suffer from
12 shock, embarrassment, humiliation, and disgrace. She also feels betrayed by and angry
13 at UCLA for subjecting her and other women to Heaps's egregious behavior.

14 **2. C.D.**

15 42. C.D. was referred to Heaps in or about early 2013. Heaps was the first
16 OB/GYN she saw since moving to the United States in 2010.

17 43. Heaps told C.D. that she should come in once every three to six months for
18 a pap smear. C.D. therefore visited Heaps at three- to six-month intervals from her first
19 appointment with him to her last appointment in June 2018.

20 44. In 2015, C.D. saw Heaps for a regularly scheduled pap smear. A nurse
21 escorted C.D. into an exam room and asked her to disrobe completely and put on a paper
22 gown. The nurse left the room and did not return.

23 45. When Heaps entered the exam room, he was accompanied by a female
24 chaperone. The female chaperone was present for the entirety of the visit.

25 46. Heaps asked C.D. to position herself on the exam table to be closer to him.
26 She complied. Heaps then began touching her legs and thighs without gloves on. Still
27 without gloves, Heaps touched her genital area, the opening of her vagina, and put his
28 fingers inside her vagina. He also inserted a speculum. Heaps touched C.D. and used

1 his fingers to penetrate her in a sexual manner, as if for his own gratification or in an
2 attempt to sexually stimulate her.

3 47. After inserting the speculum, Heaps put gloves on and took a swab of her
4 cervix.

5 48. Throughout this 2015 visit, Heaps asked questions and made comments to
6 C.D. about her sexual activity, including asking whether she was dating anyone and how
7 frequently she had sex. These questions and comments were unsolicited, unrelated to
8 any medical issues that C.D. and Heaps discussed over the course of his treatment of her,
9 and embarrassed C.D. Heaps's statements and conduct during this visit made C.D. feel
10 extremely uncomfortable, embarrassed, disgraced and humiliated.

11 49. When Heaps completed the pap smear, he told C.D. he was done and that
12 she could get dressed. Heaps and the female chaperone left the exam room at the same
13 time. Although she was asked to (and did) disrobe from the waist up, Heaps did not
14 conduct a breast exam during the appointment.

15 50. Heaps's behavior disturbed and confused C.D. She assumed, however, that
16 given UCLA Health's excellent reputation and the fact that a female chaperone was in
17 the exam room, Heaps must have been conducting the procedure appropriately, and that
18 she was misunderstanding or overreacting to his sexual comments and questions.

19 51. C.D. came to the United States from England shortly before her
20 consultation with Heaps. C.D. also attributed the disturbing nature of her experience to
21 American cultural norms, believing that Heaps's behavior, though disturbing and
22 offensive to C.D., was acceptable in the United States.

23 52. C.D. tried to convince herself that nothing improper had happened and did
24 her best to forget about the visit.

25 53. In 2016, C.D. saw Heaps for her next regularly scheduled pap smear. A
26 nurse escorted C.D. into an exam room and asked her to disrobe completely and put on a
27 paper gown. The nurse left the room and did not return.

1 54. When Heaps entered the exam room, he was accompanied by a female
2 chaperone. The chaperone was present for the entirety of the visit.

3 55. Heaps said he needed to do an “internal exam” before putting in the
4 speculum. Heaps began touching C.D.’s legs and thighs, then touched her genital area,
5 the opening of her vagina, and inserted his fingers. While his fingers were inside of her,
6 Heaps made sexual comments to C.D., including that she must “take good care” of
7 herself because he could feel that her vagina was “very tight.” Heaps said that C.D.’s
8 vagina was so tight he could tell that she was not having sex very often, and that her next
9 boyfriend would be lucky to enjoy such a tight vagina.

10 56. These statements stunned C.D. She did not respond to them. Heaps then
11 completed the pap smear procedure and told C.D. she could get dressed. Heaps and the
12 female chaperone left the exam at the same time. Although she was asked to (and did)
13 disrobe from the waist up, Heaps did not conduct a breast exam during the appointment.

14 57. While C.D. was shocked and embarrassed, she assumed as before that
15 because Heaps was a UCLA doctor and there was a female chaperone in the exam room,
16 Heaps had acted in accordance with medical norms.

17 58. In June of 2018, Heaps conducted a procedure on C.D. known as LEEP, or
18 Loop Electrosurgical Excision Procedure. LEEP involves the use of a small electrical
19 wire to remove abnormal cells from the cervix.

20 59. After the procedure, C.D. was told that Heaps would review her lab results
21 and that she would be contacted if any follow-up appointment was needed.

22 60. A nurse called C.D. about a week after the procedure. The nurse said that
23 Heaps had determined that C.D. needed to undergo another LEEP, but that Heaps had
24 retired and so she would need to find another doctor.

25 61. C.D. asked the nurse why she had not been informed of Heaps’s retirement
26 before, as she had just seen him within the past couple of weeks. The nurse responded
27 only that the retirement was “very sudden.”

28 62. C.D. started seeing a female OB/GYN not affiliated with UCLA Health.

63. C.D. asked UCLA Health multiple times for her medical records, but UCLA Health did not provide them. After C.D.'s new doctor made the request directly to UCLA Health, it turned over C.D.'s records.

64. C.D.'s new doctor determined that another LEEP was not necessary.

65. C.D. feels deeply upset, demeaned, abused, and violated by Heaps.

66. Heaps violated and injured C.D. by, among other things, (1) failing to advise and inform her of the procedures being performed, (2) touching her legs, thighs, genital area, and vagina without gloves, and placing his ungloved fingers inside her vagina, in a sexual manner, and (3) asking questions and making comments of a sexual nature without medical justification.

67. Because Heaps was an employee of UCLA Health, C.D. reasonably believed that Heaps's conduct must have been legitimate medical treatment.

68. In June 2019, C.D. received a letter from UCLA stating that Heaps was "charged with sexual battery and sexual exploitation in connection with his medical practice" and that the criminal charges against him were "very disturbing."

69. After reading this letter, C.D. realized for the first time that Heaps's actions at her appointments were sexual assaults. This realization has caused her to experience severe psychological and emotional distress. She suffered and continues to suffer from shock, embarrassment, humiliation, and disgrace. She also feels betrayed by and angry at UCLA for subjecting her and other women to Heaps's egregious behavior.

3. E.F.

70. Plaintiff E.F. started seeing Heaps for treatment in 2007 or 2008, at the UCLA Medical Plaza in Westwood. Over the course of her visits with Heaps, E.F. noticed that he was becoming increasingly casual with her, to the point where it sometimes felt unprofessional. Despite feeling unease, E.F. continued to keep Heaps as her doctor because of the difficulty of finding another OB/GYN with oncology expertise.

71. In or around 2014, E.F. went to see Heaps for a regularly scheduled appointment. Unlike previous visits, this time there was no female nurse present.

1 72. Typically, when Heaps would conduct a breast exam of E.F., he would
2 palpate around the breast and armpit first with her lying down, and then again with her
3 sitting up. At this appointment, he did the palpating while she was lying down, then
4 asked her to sit up. E.F. expected the process to repeat. Instead, Heaps cupped his
5 hands under both breasts at the same time and lifted them upwards. As he was holding
6 both breasts in his hands, he stared at E.F. and asked, “Are these real?”

7 73. She turned her head away, feeling uncomfortable, awkward, and violated.
8 Heaps kept his hands on her breasts, cupping and groping both at the same time in a
9 sexual manner, and continued talking to E.F. She was in disbelief and does not recall
10 what Heaps was saying while he maintained the cupping and groping. Heaps then
11 smiled at her, moved his hands down the sides of her body to her waist, held his hands
12 around her waist, and said, “you’re fit, you’re very fit.”

13 74. E.F. was shocked and confused by Heaps’s behavior. She was in disbelief
14 and convinced herself that she was overreacting or misinterpreting what occurred. E.F.
15 continued to visit Heaps once or twice a year.

16 75. A 2016 visit involved another incident of Heaps misconduct. There was a
17 female nurse in the room, positioned where the nurse did not have a view of what Heaps
18 was doing. Heaps then started to conduct a pelvic exam. Previously, when Heaps
19 conducted a pelvic exam, he put his fingers into E.F.’s vagina, and moved them along
20 the vaginal wall while the other hand presses on the abdomen. Heaps conducted the
21 exam as he had before. After that, however, he took his hand off her abdomen, and,
22 keeping the fingers of his other hand inside of her, began a circular motion inside the
23 vagina toward the front of her body in an apparent attempt to stimulate her “G-spot,”
24 while simultaneously rubbing her clitoris. The touching was non-medical, and instead
25 for the purpose of arousing her, or for his sexual gratification.

26 76. E.F. was mortified. She lifted herself from the exam table and stared down
27 at Heaps. He was looking at her and smiling. She gave him a look of anger and disgust,
28 and he quickly pulled his hands away from her genital area and ended the appointment.

1 After the appointment, E.F. ran to car, locked herself inside, and cried. She never went
2 back to see Heaps again.

3 77. Heaps violated and injured E.F. by, among other things, making
4 inappropriate sexual comments about E.F.'s body; fondling and cupping her breasts in a
5 sexual manner under the guise of giving a breast exam; and touching her genitals in a
6 sexual manner under the guise of giving a pelvic exam.

7 78. In June 2019, E.F. received a letter from UCLA stating that Heaps was
8 "charged with sexual battery and sexual exploitation in connection with his medical
9 practice." After reading this letter, E.F. realized for the first time that Heaps's actions at
10 her appointments were sexual assaults. This realization has caused her to experience
11 severe psychological and emotional distress. She suffered and continues to suffer from
12 shock, embarrassment, humiliation, and disgrace. She also feels betrayed by and angry
13 at UCLA for subjecting her and other women to Heaps's egregious behavior.

14 **4. G.H.**

15 79. Plaintiff G.H. first saw Heaps in late 1997 when she was a student at UCLA
16 School of Law. Her visits with Heaps were at the UCLA student health center.

17 80. G.H. and her husband had been trying to get pregnant, and in late 1997,
18 G.H. tested positive on a home pregnancy test. Shortly after, she went to see Heaps for
19 her first prenatal exam.

20 81. At the appointment, G.H. was wearing a paper hospital gown that opened in
21 the front. After a few questions about how G.H. was feeling in the early stages of a first
22 pregnancy, he opened the gown very slowly, stared at G.H.'s naked body, reached his
23 hands inside the gown, and placed his bare hands at the base of her neck. From the base
24 of her neck, he slowly moved his hands in a downward motion through the outer edges
25 of her breasts and waist until he reached her hips, placing his hands on her hips.

26 82. After several seconds, Heaps moved his ungloved hands slowly up G.H.'s
27 torso, and touched her breasts one at a time. Heaps did not palpate the breast area in the
28 manner that G.H. would later understand—from seeing other physicians—to be a routine

1 breast exam. Instead, Heaps was gently cupping and rubbing G.H.'s breasts, and
2 continued to do so with both hands on one breast, then the other. Heaps told G.H. it was
3 too soon for her "milk to come in" but it was still important for him to feel her breasts
4 during early pregnancy. When Heaps eventually closed G.H.'s gown, he did so very
5 slowly, and maintaining eye contact. G.H. remembers thinking it was odd and
6 unprofessional, almost as if Heaps was concluding a sexual encounter, rather than a
7 medical exam.

8 83. G.H. was confused and uncomfortable about her visit with Heaps and
9 wondered whether he was getting sexual pleasure out of touching her and staring at her
10 naked body. She soon suppressed her suspicions, however, and rationalized that perhaps
11 his prolonged touching and staring was somehow medically appropriate for a pregnant
12 patient.

13 84. On February 12, 1998, G.H. had a miscarriage that required emergency
14 medical attention. She spent several days in the intensive care unit at Olive View-UCLA
15 Medical Center, in Sylmar, California, and was discharged on February 16, 1998. Heaps
16 was not involved in the care G.H. received for the miscarriage.

17 85. In or around April 1998, G.H. became pregnant again and saw Heaps for
18 her prenatal appointments at the student health center.

19 86. During these appointments, Heaps would very slowly open G.H.'s gown,
20 stare at her naked body, and cup and grope her breasts, often using both hands on one
21 breast, then the other. Heaps told G.H. that thorough breast exams were necessary
22 during pregnancy, but that he would be very slow and gentle. At the time, she felt
23 awkward and uncomfortable. In hindsight, G.H. observes that Heaps treated the exams
24 almost as ceremonial or ritualistic—he seemed to relish removing her gown, viewing her
25 in the nude, and touching her hips, waist and breasts in an intimate manner, without
26 gloves.

27 87. There was never a female nurse or chaperone present for any of G.H.'s
28 appointments with Heaps.

1 88. Because Heaps was an employee of UCLA Health, G.H. reasonably
2 believed that Heaps's conduct must have been legitimate medical treatment.

3 89. On July 25, 1998, G.H.'s second pregnancy also ended in a miscarriage that
4 required emergency medical attention.

5 90. G.H. did not continue seeing Heaps. After graduation, when she became
6 pregnant again, she decided to use another provider.

7 91. Heaps violated and injured G.H. by, among other things, repeatedly
8 touching her hips and waist and staring at her naked body in a sexual manner, and
9 fondling and cupping her breasts in a sexual manner under the guise of giving a breast
10 exam.

11 92. On December 5, 2019, G.H. was watching the news and saw a telecast
12 about Heaps being arrested for sex offenses. G.H. was stunned. She hit pause on the
13 television, and memories of her appointments with Heaps returned. She called her
14 husband, saying simply, "I knew it, I knew it, I knew it"—at first unable to explain what
15 had prompted her to call him.

16 93. Upon seeing the telecast, G.H. realized for the first time that Heaps's
17 actions at her appointments were sexual assaults. This realization has caused her to
18 experience severe psychological and emotional distress. She suffered and continues to
19 suffer from shock, embarrassment, humiliation, and disgrace. G.H. also feels betrayed
20 by and angry at UCLA for subjecting her and other women to Heaps's egregious
21 behavior.

22 **5. I.J.**

23 94. Plaintiff I.J. became a patient of Heaps in 2016, when she was diagnosed
24 with uterine cancer.

25 95. In her first post-surgery pelvic exam with Heaps, he inserted his fingers into
26 her vagina and told her that she was "extremely tight" and that she should be stretching
27 out her vagina with her own fingers at home. I.J. assumed that this was legitimate
28 medical advice to assist with her recovery.

1 96. Heaps proceeded ask detailed questions about I.J.'s sexual experiences with
2 her husband, including asking about the length and girth of his penis. I.J. felt deeply
3 uncomfortable but continued to believe that the questions had a medical purpose,
4 especially because of Heaps's reputation as a highly skilled surgeon, and his position as
5 a UCLA doctor.

6 97. Heaps then told I.J. that she should be masturbating, including with a dildo
7 and by massaging her clitoris.

8 98. Plaintiff I.J. thought that Heaps was trying to elicit information about her
9 sex life for his own gratification. She feared, however, that if she confronted him, she
10 would lose the critical cancer treatment he was supervising. She tried to ignore or
11 politely rebuff Heaps's sexual questions and comments.

12 99. During a subsequent visit with Heaps, Plaintiff I.J. was undressed on the
13 exam table with her feet in the stirrups. Rather than performing a vaginal exam, as I.J.
14 was anticipating, Heaps instead began rubbing her clitoris with his thumb. After a few
15 seconds, he asked her if she was stimulated. I.J. was shocked and confused. She felt an
16 overwhelming sense of embarrassment, said "no," and turned her head away. In the
17 moment, Plaintiff I.J. was extremely sick from her cancer and lacked the physical and
18 emotional strength to confront Heaps. She believed that Heaps was the premier
19 gynecological oncologist in Southern California and convinced herself that it was worth
20 enduring his mistreatment if it meant overcoming her cancer.

21 100. As a result of her experiences with Heaps, Plaintiff I.J. has suffered
22 decreased appetite, weight loss, trouble sleeping, inability to focus on daily tasks,
23 anxiety, depression, and obsessive-compulsive disorder. She suffered and continues to
24 suffer from shock, embarrassment, humiliation, and disgrace. Plaintiff I.J. also feels
25 betrayed by and angry at UCLA for subjecting her and other women to Heaps's
26 egregious behavior.

27 //

28 //

1 **6. K.L.**

2 101. Plaintiff K.L. was an undergraduate at UCLA in 2001. In or around
3 November of that year, she saw Heaps at the student health center.

4 102. Heaps instructed K.L. to undress, get on the exam table, and put her feet in
5 the stirrups. She did. As she was lying there, waiting for the exam to begin, she leaned
6 up and saw that Heaps was standing between her legs a few feet back, staring at her
7 exposed pelvic area. Heaps was silent. Feeling uncomfortable, K.L. put her head back
8 down and continued waiting.

9 103. Suddenly and without warning, Plaintiff K.L. felt Heaps's ungloved hand
10 run up the inside of her right labia, and skim over her vaginal opening, like a "caress."
11 K.L. believes that Heaps had put lubricant on his hand before touching her.

12 104. K.L. was completely surprised by the way Heaps touched her. She looked
13 up and Heaps was staring at her. K.L. was shocked, and in the moment could not process
14 what was happening. She put her head back down and returned to staring at the ceiling.
15 Moments later, Heaps said that he was done with the exam and ended the appointment.

16 105. On the bus ride home, Plaintiff K.L. felt uneasy and disgusted. She was
17 actively trying to suppress thoughts that she had been violated. In previous OB/GYN
18 appointments with UCLA providers, the examiner always wore gloves, verbalized in
19 advance what the next action would be, and never touched her in a questionable or
20 remotely sexual way. The appointment with Heaps was fundamentally different than her
21 previous experiences. She believes Heaps touched her for his own sexual gratification,
22 and also in an attempt to arouse her.

23 106. At the time, and for many years after, Plaintiff felt too ashamed to tell
24 anyone what happened, and thoughts of the event caused her severe emotional distress,
25 including dissociation, and physical illness. Since the experience with Heaps, Plaintiff
26 has had difficulty forming trusting relationships with men, and has a heightened fear that
27 men will become sexually aggressive with her, or otherwise engage in sexually
28 predatory behaviors.

1 107. Plaintiff K.L. suffered and continues to suffer from shock, embarrassment,
2 humiliation, and disgrace. She also feels betrayed by and angry at UCLA for subjecting
3 her and other women to Heaps's egregious behavior.

4 **7. M.N.**

5 108. Plaintiff M.N. was patient of Heaps in late 1990s. Heaps was part of a team
6 of UCLA doctors assigned to facilitate M.N.'s donation of a kidneys.

7 109. On approximately her third visit with Heaps, a nurse was initially present.
8 M.N. was told that Heaps and the nurse would leave the room so she could get undressed
9 and put on a paper gown. Heaps left, but then quickly returned and shut the door. M.N.
10 assumed the nurse would return momentarily, but she did not.

11 110. Heaps approached M.N. as she sat on the side on the exam table. He
12 opened the front of her gown and cupped his hands over both of M.N.'s breasts at the
13 same time and began fondling them. She felt uncomfortable and nervous, and turned her
14 head to the side. She then heard Heaps groaning and felt him move his hands to touch
15 her nipples with his fingertips.

16 111. The nurse returned to the room. Heaps pulled his hands away and asked
17 M.N. to lay down. The nurse was standing to M.N.'s side, where she did not have a
18 direct view of M.N.'s pelvic area.

19 112. Without any verbal warning, Heaps stuck his fingers into M.N.'s vagina and
20 said, "oh, you're so tight." Heaps made this comment slowly, with a breathy voice, as if
21 trying to be sensual.

22 113. The nurse shot a wide-eyed look at M.N. M.N. stared back at the nurse.
23 Neither spoke. Heaps quickly removed his hands and got up to leave the room.

24 114. M.N. does not believe that Heaps was wearing gloves during this visit.

25 115. As a result of her experience with Heaps, Plaintiff M.N. became depressed.
26 She blamed herself for Heaps's conduct and felt deeply ashamed. She had previously
27 been diagnosed with uterine fibroids, but was failing to manage them because she was
28 regularly avoiding her appointments with Heaps.

1 116. Eventually she found a different OB/GYN. By that time, her fibroids had
2 grown significantly. She felt intense distress when she went to see her new doctor
3 because it would trigger memories of Heaps. M.N. went in for a scheduled
4 myomectomy (surgical fibroid removal). Depressed and overwhelmed with dread at the
5 prospect of needing regular examinations to monitor the fibroids, M.N. asked the doctor
6 to take out her uterus.

7 117. M.N. went into therapy and into a three-year grief recovery program. She
8 suffered and continues to suffer from severe psychological and emotional distress,
9 regret, shock, embarrassment, humiliation, and disgrace. M.N. also feels betrayed by
10 and angry at UCLA for subjecting her and other women to Heaps's egregious behavior.

11 **B. UCLA Was on Notice of Heaps's Misconduct**

12 118. Heaps' affiliations with UCLA began in 1983. He worked at the student
13 health center in various capacities from 1983 to June 30, 2010. In 1989, Heaps was
14 appointed Assistant Professor in UCLA's Department of Obstetrics and Gynecology.

15 119. In 1989, Heaps opened a private practice unaffiliated with UCLA Health.
16 As of 2010, that practice was located at 100 UCLA Medical Plaza. UCLA later acquired
17 Heaps's practice, and Heaps saw patients at 100 UCLA Medical Plaza as an employee of
18 UCLA Health from February 1, 2014, through June 28, 2018.

19 120. In February 2014, Heaps was named to the position of Health Sciences
20 Associate Clinical Professor in the Department of Obstetrics and Gynecology at the
21 David Geffen School of Medicine at UCLA. He held medical privileges at the Ronald
22 Reagan UCLA Medical Center from 1986 to 2018.

23 121. By the late 1980s, Heaps had already gained a reputation at UCLA for
24 disturbing behavior with patients, including failing to put on gloves before touching their
25 genital areas. In the late 1980s, one of Heaps's patients mentioned him to a female
26 doctor and then-oncology fellow at UCLA, who told the patient: "Never see him.
27 Never."
28

1 122. Around the same time, a patient of Heaps who was a student at UCLA's
2 School of Medicine mentioned to a friend of hers that she had just had an uncomfortable
3 encounter with her gynecologist in an elevator. Without knowing anything about the
4 gynecologist, the friend—who worked in a laboratory in the same building where Heaps
5 worked—replied, “Oh, was it Jamie Heaps?”

6 123. Michael T. Johnson, M.D., a longtime administrator at UCLA Health and
7 its Vice Chair of Clinical Affairs for OBGYN, has known Heaps since at least 1998.
8 Johnson was aware that Heaps routinely acted inappropriately with his patients. He both
9 received patient complaints and witnessed Heaps's abusive conduct firsthand. Johnson's
10 supervisory role gave him the ability and obligation to report credible complaints of
11 physician misconduct to the university administration and Title IX office. But as part of
12 a policy of indifference at UCLA Health to complaints of sexual misconduct against
13 doctors, Johnson failed to act on complaints about Heaps to protect patients under the
14 care of UCLA Health from his misconduct.

15 124. In December 1999, Johnson received a detailed letter from a patient
16 concerning Heaps's actions and statements during a December 14, 1999 examination for
17 pain in her levator muscles. In her letter of complaint to Johnson, the patient wrote that
18 she found Heaps's “examination of the vagina to be particularly rough, unnecessarily
19 painful and violating,” and caused her “constant pain for two days after his
20 examination.”

21 125. Additionally, the patient complained that during his examination, Heaps
22 had made multiple “inappropriate, disturbing and embarrassing” comments while she
23 was “undressed from the waist down” including unsolicited inquiries as to whether she
24 had a boyfriend and why she did not have one. Heaps even suggested that the patient
25 should treat her condition by visiting “the ‘Pleasure Chest’ on Santa Monica Blvd and
26 purchas[ing] a ‘dildo.’” The patient wrote that Heaps “then instructed me to insert the
27 ‘dildo’ into my vagina for thirty minutes each day. He told me not to turn on the
28 vibrator part and to make sure I did not squeeze the ‘dildo’ with my levator muscles. He

1 also said, ‘don’t forget to lubricate it.’” Heaps then held up “various cylinder-shaped
2 objects in the examination room to give me an idea of the ideal size of ‘dildo’ to
3 purchase.”

4 126. Despite the detailed allegations stated in this letter, Johnson never
5 responded, and Heaps continued to treat women at UCLA.

6 127. In 2004, a breast cancer patient who saw Heaps for a checkup complained
7 to her regular doctor that he had rubbed her clitoris, smelled her vagina, and told her that
8 she smelled nice. The doctor responded that the patient wasn’t the only who had
9 concerns about Dr. Heaps.

10 128. In 2006, another patient filed a complaint against Heaps with UCLA but
11 never heard back.

12 129. In 2013, after being referred to Heaps by Stephen Ross, M.D., a doctor at
13 UCLA Medical Center, a patient complained to Ross that Heaps had fondled her breasts
14 and acted in other inappropriate ways during her examination. Ross told her that another
15 patient of his had also complained about Heaps acting in an offensive manner.

16 130. In early 2014, a breast cancer patient informed UCLA Health that she was
17 “completely shocked and embarrassed” by Heaps’s inappropriate sexual contact and
18 comments during a medical appointment, and that she had filed a complaint with the
19 Medical Board of California. UCLA later informed this woman that it had “thoroughly
20 reviewed and investigated” her allegations. In fact, UCLA never interviewed the patient
21 in connection with her complaint. UCLA also refused to provide further information,
22 did not take responsibility for what had occurred, and failed to explain what, if anything,
23 the university had done in response to her complaint.

24 131. UCLA’s refusal to inform this patient of the results of the investigation, if
25 any, that it conducted into her 2014 complaint, violated its sexual misconduct policy.
26 That policy mandated that “the complainant shall be informed if there were findings
27 made that the Policy was or was not violated and of actions taken to resolve the
28 complaint, if any.”

1 132. During an investigation into a 2017 complaint against Heaps for
2 inappropriate conduct during a gynecology exam, Johnson said that “nobody would be
3 surprised by allegations” against Heaps because it was well known that “Heaps goes
4 right up against the line/boundary of appropriateness.” Johnson further admitted that
5 “what [Heaps] does would make him uncomfortable as a patient.” In the early 2000s,
6 Johnson became so “uncomfortable with how [Heaps] was conducting” a patient’s
7 examination that “he stopped referring his patients” to Heaps.

8 133. Johnson recalled as well that sometime between 1997 and 2000,
9 investigators from the Medical Board of California investigated Heaps “for being
10 inappropriate with a patient.” Johnson had also heard from multiple patients “who have
11 shared feedback that [Heaps] is creepy. . . .” A staff member in the Labor and Delivery
12 department told Johnson that while she was a patient of Heaps, he stroked her thigh
13 during examinations.

14 134. Johnson, however, “never shared” any of this information “with the prior
15 department chair.”

16 135. Moreover, despite knowing about Heaps’s misconduct, in 2014 Johnson
17 recommended Heaps for a UCLA professorship when he was under consideration for
18 appointment as a Health Services Associate Clinical Professor. In 2016, Johnson wrote
19 a letter “strongly support[ing]” Heaps’s appointment to a professorship, describing him
20 as someone who “understands the importance of excellent communication and empathy
21 with his patients.”

22 136. Other members of UCLA Health also knew of Heaps’s misconduct toward
23 patients. [REDACTED]

24 [REDACTED] acknowledged in 2018 that Heaps “lacks boundaries” and, when asked if she
25 had ever witnessed or heard of any inappropriate behavior by Heaps, said that his “eyes
26 tend to, ‘linger too long or drop to the chest area.’”

27 137. [REDACTED] experienced Heaps’s behavior firsthand. In August or September
28 2014, Heaps made a comment towards [REDACTED] “that made her feel uncomfortable”

1 when he remarked that her “body looks great” while he “gestur[ed] with his arms and
2 hands like he was framing her body with his hands” and “made her feel like he was
3 undressing her.” She reported the incident to Bonnie Jacobson, the Chief Administrative
4 Officer at the time, who told [REDACTED] that she would address it with Johnson.

5 [REDACTED] and Jacobsen met with Johnson, but Johnson “did not do anything about what
6 was shared,” “did not report it to the Title IX Officer” or the department chair, and did
7 not “address it in anyway [sic] with Dr. Heaps.”

8 138. In August 2014, Johnson completed a UC Sexual Violence and Sexual
9 Harassment Prevention Training for Supervisors and Faculty which included material on
10 responding to sexual harassment claims and the supervisor’s obligation to report such
11 claims “to the appropriate office immediately.” Nevertheless, in January 2018, when
12 asked why he did not take any action after [REDACTED]’s complaint against Heaps, Johnson
13 was of “the opinion that he was not responsible for taking any steps whatsoever to
14 respond to or report” a “clear allegation of sexual harassment.” The Title IX report
15 thereafter found that Johnson had violated university policy on reporting incidents of
16 sexual harassment.

17 139. In 2016, [REDACTED] reported to Johnson and the interim Chair of the
18 OB/GYN department, Andrea Rapkin, M.D., that Heaps had violated department policy
19 when he examined a pregnant clinic employee.

20 140. In 2018, UCLA received another “credibl[e]” complaint from a patient that
21 Heaps sexually assaulted her during a gynecological examination on February 28, 2018.

22 141. UCLA Health never informed the university’s Title IX office of the 2014
23 complaint against Heaps or any of the other complaints prior to 2017. The Title IX
24 office only learned of the 2014 complaint, and of another complaint from 2015 against
25 Heaps, in the course of a 2017 investigation into similar allegations of misconduct.

26 **C. UCLA Did Not Respond Appropriately to Heaps’s Misconduct**

27 142. UCLA’s failure to suspend or terminate Heaps after learning of his alleged
28 abuse was part of a policy of deliberate indifference to reports of sexual misconduct

1 against physicians at UCLA Health. This policy exposed numerous women, including
2 Plaintiffs, to repeated instances of sexual abuse.

3 143. Despite receiving complaints about Heaps's misconduct no later than 1999,
4 UCLA did not remove Heaps from his position at UCLA's medical facilities and
5 allowed him to continue seeing patients.

6 144. Since 2006, if not earlier, the University of California has maintained a
7 written policy on sexual harassment stating that it would respond "promptly and
8 effectively" to reports of sexual harassment by preventing, correcting, and if necessary,
9 disciplining individuals who engaged in, sexual harassment.

10 145. UCLA's policy also permitted it to remove Heaps from campus once it
11 began investigating his conduct in 2014. Under UCLA's Investigatory Leave Policy,
12 employees under investigation for "sexual violence," "sexual harassment," "exploitation,
13 intimidation," or "harassment" may be placed on "investigatory leave" when
14 "circumstances warrant removing an employee from the work site during the course of
15 the University's investigation of allegations against the employee."

16 146. Additionally, the Clery Act, 20 U.S.C. § 1092, requires UCLA to alert
17 students and others on campus when an individual accused of sexual assault is
18 determined to be a threat to the community.

19 147. UCLA took no action to suspend, terminate, or otherwise protect patients
20 from Heaps until 2018.

21 148. Instead of placing Heaps on leave or warning the campus community while
22 investigating his conduct in 2014, UCLA allowed him to continue seeing patients.

23 149. UCLA's failure to act in 2014 to protect patients from Heaps exposed
24 Plaintiffs and many other women to sexual harassment and assault at his hands.

25 150. In addition to investigating allegations of Heaps's misbehavior as early as
26 2014, UCLA has admitted that it received further complaints about Heaps in 2015 and
27 2017. UCLA did not publicly acknowledge the abuse allegations against Heaps until
28 June 2019, when he was arrested and charged with sex crimes.

1 151. Heaps reportedly earned more than \$1 million each year between 2014 and
2 2018.

3 152. In 2017, UCLA learned of additional allegations that Heaps engaged in
4 inappropriate, medically unnecessary touching of, and made offensive comments to, a
5 female patient. UCLA again investigated—and again allowed Heaps to continue seeing
6 patients during its investigation. UCLA’s failure to act in 2017 to protect patients from
7 Heaps exposed many women to sexual harassment and assault at his hands.

8 153. UCLA’s investigation into the 2017 complaint revealed that Heaps had
9 repeatedly tried to contact a nurse practitioner who had been interviewed regarding the
10 2017 complaint. The report from the investigation concludes that Heaps violated
11 University of California policy by retaliating against the nurse practitioner. The report
12 further concludes that Johnson violated UCLA policy on sexual harassment “when he
13 failed to appropriately report and respond to an allegation of sexual harassment” with
14 regard to [REDACTED]’s complaint against Heaps.

15 154. Another university investigation in early 2018 found that at least four
16 patients had made serious allegations against Heaps.

17 155. In March 2019, UCLA reached a \$1.3 million settlement with one of its
18 nurses, who alleged sexual harassment by Heaps. At that point UCLA still had taken no
19 action to suspend, terminate, or otherwise protect patients from Heaps, even after all the
20 complaints about his improper conduct in the exam room.

21 156. In April 2018, UCLA informed Heaps that it would not be reappointing him
22 as a Health Sciences Clinical Professor after his appointment expired on June 30, 2018.
23 On June 14, 2018, UCLA informed Heaps that he was being placed on investigatory
24 leave.

25 157. Not until June 2018—when similar allegations relating to Dr. George
26 Tyndall’s abuse of women at the University of Southern California became public—did
27 UCLA notify the Medical Board of California about Heaps’s misconduct.
28

1 158. UCLA’s inaction was consistent with its policy of deliberate indifference
2 toward reports of sexual misconduct against its physicians. Its own employees
3 understood that UCLA would not hold its physicians accountable for sexual
4 misconduct—not even when the misconduct was against an employee. A nurse at
5 UCLA Medical Center’s Heart and Lung Transplant center, for example, reported that
6 Heaps had “violated” her during a 2016 examination. But when “she told management
7 about what happened, she was told to ‘let it go’ because Dr. Heaps was a physician and
8 she was a nurse and it would cause problems for her.”

9 159. UCLA knew that the allegations against Heaps strongly suggested that his
10 conduct—e.g., unexplained and excessive touching and manipulation of patients’ breasts
11 and genitalia—was not medically necessary and constituted sexual misconduct.

12 160. A committee opinion of the American College of Obstetricians and
13 Gynecologists (ACOG) regarding physician-patient sexual misconduct states:
14 “Examinations should be performed with only the necessary amount of physical contact
15 required to obtain data for diagnosis and treatment. Appropriate explanation should
16 accompany all examination procedures.” ACOG also warns physicians to “avoid sexual
17 innuendo and sexually provocative remarks.” Additionally, “[p]hysicians aware of
18 instances of sexual misconduct on the part of any health professional have an obligation
19 to report such situations to appropriate authorities, such as institutional committee chairs,
20 department chairs, peer review organizations, supervisors, or professional licensing
21 boards.”

22 161. The ACOG opinion concludes by making clear that “[s]exual misconduct
23 on the part of physicians is an abuse of professional power and a violation of patient
24 trust. It jeopardizes the well-being of patients and carries an immense potential for
25 harm. The ethical prohibition against physician sexual misconduct is ancient and
26 forceful, and its application to contemporary medical practice is essential.”

27 162. Although UCLA was aware that Heaps’s conduct could not be justified by
28 medical necessity, it continued to allow Heaps to practice at its medical facilities,

1 thereby subjecting Plaintiffs and class members to a substantial risk of sexual
2 harassment or assault.

3 **D. The Scale and Scope of Heaps's Abuse Emerges**

4 163. In June 2018, UCLA notified law enforcement of Heaps's misconduct.

5 164. On June 10, 2019, Heaps was arrested and charged with two counts of
6 sexual battery by fraud and one count of sexual exploitation of a patient.

7 165. That same day UCLA publicly acknowledged that it had investigated Heaps
8 in 2018 "for sexual misconduct and improper billing practices."

9 166. An editorial in the *Daily Bruin*, UCLA's student newspaper, noted that the
10 university "knew about Heaps's wrongdoings for more than a year, yet only broke its
11 silence when he was legally charged and arrested—leaving the campus community in
12 the dark." Instead of removing "Heaps from campus while he was under investigation,
13 which UC policy would have allowed," UCLA "let him continue to treat patients, who
14 were unaware their doctor was an alleged sex offender." UCLA thus "compromised its
15 students' and patients' safety, leaving them vulnerable to sexual violence" through its
16 inaction and silence "even after it had completed its investigation into Heaps and found
17 significant violations of UC sexual misconduct policies."

18 167. UCLA issued an apologetic public statement the day Heaps was arrested:
19 "We are deeply sorry that a former member of our staff violated our policies and
20 standards, our trust, and the trust of his patients. . . . [W]e know we can and must do
21 better"

22 168. UCLA also announced that it had hired a third-party firm, Praesidium, to
23 connect Heaps patients with support services. As of March 2, 2020, over a hundred
24 individuals had contacted Praesidium.

25 169. In June 2019, UCLA Health sent a form letter to Heaps's former patients,
26 including Plaintiffs, disclosing his alleged misconduct. The letter states in part:

27 [W]e want you to be aware that Dr. James Heaps, an
28 obstetrician-gynecologist employed at UCLA Health from

1 February 2014 to June 2018, has been charged with sexual
2 battery and sexual exploitation in connection with his medical
3 practices. The criminal charges filed against Dr. Heaps are very
4 disturbing.

5 You are receiving this letter because our records indicate you
6 are a patient who may have had had [sic] an appointment with
7 Dr. James Heaps at UCLA Health at least once between
8 February 2014 and June 2018.

9 170. In the time since UCLA sent the June 2019 letter, an additional 51 women
10 have filed suit against Heaps, and at least 50 others have come forward with allegations
11 of sexual misconduct and abuse during women's health appointments with Heaps.

12 171. A public records request in July 2019 revealed that UCLA had agreed to a
13 confidential \$2.25 million settlement with a former Heaps patient alleging sexual abuse.
14 The *Daily Bruin* reported that UCLA wanted to "keep things confidential" to avoid a
15 "blow up like what happened to USC" with the Tyndall controversy.

16 **AGENCY, ALTER EGO, AND CONSPIRACY ALLEGATIONS**

17 172. At all relevant times, Heaps was an employee, agent, and/or servant of the
18 Regents, was under its complete control and active supervision, and operated within the
19 scope of his employment by them.

20 173. Defendants engaged in, joined in, and conspired with each of the other
21 Defendants and wrongdoers in carrying out the tortious and unlawful activities herein
22 described. Each Defendant is legally responsible for the occurrences herein alleged, and
23 Plaintiffs' damages, as herein alleged, were proximately caused by all Defendants.

24 174. At all relevant times, there existed a unity of interest and ownership among
25 Defendants such that any individuality or separateness between or among them ceased to
26 exist. Defendants and each of them were the alter egos of all of the other Defendants, in
27 that they dominated and controlled each other without any separate identity, observation
28 of formalities, or other manner of division.

175. At all relevant times, each Defendant was the agent, representative, and/or
employee of each of the other Defendants. In engaging in the conduct herein alleged,

1 Defendants, and each of them, were acting within the course and scope of that
2 alternative personality, capacity, identity, agency, representation, and/or employment
3 and were within the scope of their authority, whether actual or apparent.

4 176. At all relevant times, each Defendant was the trustee, partner, servant, joint
5 venturer, shareholder, contractor, and/or employee of each and every other Defendant,
6 and the acts and omissions herein alleged were done by them through such capacity and
7 within the scope of their authority, and with the permission and consent of each and
8 every other Defendant. Such conduct was ratified by each and every other Defendant,
9 and each of them is jointly and severally liable to Plaintiffs.

10 **TOLLING OF THE STATUTES OF LIMITATIONS**

11 177. The statute of limitations for each of Plaintiffs' causes of actions was
12 equitably tolled, and Defendants are equitably estopped from asserting the statute of
13 limitations as a defense, by reason of their wrongful conduct.

14 178. The UC Regents acted wrongfully by ignoring and actively concealing
15 myriad complaints of sexual misconduct lodged against Heaps, and breached mandatory
16 duties owed to Plaintiffs by continuing to employ Heaps and by failing to warn Plaintiffs
17 of his propensity to harm and molest female patients.

18 179. The UC Regents received complaints of Heaps's sexually abusive conduct
19 and knew of Heaps's dangerous propensity to sexually abuse his female patients,
20 including vulnerable students, by 2014 at the latest. The UC Regents wrongfully
21 concealed these complaints and suppressed its knowledge of Heaps's misconduct,
22 including from the Medical Board of California's investigation, causing Plaintiffs and
23 other female patients to suffer assault at the hands of Heaps, by holding him out as a
24 trustworthy doctor and employing him as gynecologist and oncologist at university
25 medical facilities.

26 180. The UC Regents benefited financially from retaining Heaps as an
27 employee. By assigning and employing Heaps as a gynecologist and oncologist at
28 university medical facilities, the UC Regents represented to UCLA students and patients,

1 and to the community at large, that Heaps was a safe and trustworthy doctor such that
2 students and patients need not worry about Heaps interacting with and providing care to
3 them. The UC Regents did so to protect its own public image and so that it could retain
4 past students, recruit new students, and gain and preserve sources of financial support.

5 181. The UC Regents also benefited financially as the intended result of its
6 active, wrongful concealment of Heaps's sexual abuse. The UC Regents' deliberate
7 concealment included allowing Heaps to quietly resign in June 2018 after an internal
8 university investigation revealed that Heaps routinely fondled female patients' breasts
9 and manipulated their genitalia for his own sexual gratification, made sexually offensive
10 comments to them, and had been the subject of serious and credible complaints for many
11 years. The UC Regents allowed Heaps to resign without disclosing these findings in a
12 deliberate attempt to conceal from Plaintiffs and the public that Heaps was a serial
13 sexual predator, in order to insulate itself from liability and avoid reputational damage.
14 Similarly, the UC Regents settled multiple individual lawsuits brought by Heaps victims
15 for the intended purpose of suppressing public awareness of his misbehavior to avoid
16 reputational and financial harm.

17 182. As part of Defendants' wrongful attempt to conceal Heaps's propensity to
18 sexually abuse female patients and his past sexual abuse from public scrutiny and
19 criminal investigation, Defendants implemented various measures with the intent and
20 effect of making Heaps's conduct harder to detect and ensuring that other patients with
21 whom he came into contact, including Plaintiffs, would be sexually abused and
22 assaulted, including:

23 a. Permitting Heaps to remain in a position of authority and trust after
24 Defendants knew he was assaulting his female patients;

25 b. Scheduling female patients for appointments with Heaps, including
26 appointments without a nurse or chaperone present, despite knowing of his improper
27 conduct;

1 c. Placing Heaps in a separate and secluded environment at the
2 university medical center, and granting him unfettered access to and control over
3 patients even when he was purporting to provide extremely sensitive gynecological and
4 oncology treatment, thereby allowing Heaps to physically and sexually interact with
5 female patients, including Plaintiffs;

6 d. Holding out Heaps to Plaintiffs, patients at UCLA medical facilities,
7 UCLA students, UCLA alumni, and the public as a trustworthy person of good moral
8 character who was capable and worthy of being granted unsupervised access to patients
9 at UCLA health-care facilities;

10 e. Failing to disclose and actively concealing Heaps's prior record of
11 misconduct, sexual abuse, harassment, and molestation, and his propensity to commit
12 such acts towards female patients at university medical facilities, from UCLA's students,
13 patients at its medical facilities, the public, and law enforcement;

14 f. Failing to investigate or otherwise confirm or deny such facts about
15 Heaps, including prior complaints, claims, and investigations relating to sexual abuse
16 suffered at his hands;

17 g. Failing to implement reasonable safeguards to avoid acts of unlawful
18 sexual conduct by Heaps, such as by avoiding placement of Heaps in functions or
19 environments in which he would necessarily have intimate contact with female patients;
20 and

21 h. Failing to implement systems or procedures to supervise or monitor
22 doctors, chaperones, and other UCLA agents to ensure that they did not molest or abuse
23 patients in Defendants' care and, further, that they report all reasonable suspicions of
24 sexual assault or battery to law enforcement as mandated by Section 11160 of the
25 California Penal Code.

26 183. By consequence of the threatening and frightening conduct of Heaps,
27 Plaintiffs were coerced into not talking about the abusive acts they endured. Plaintiffs
28 came forward only once the coercive nature of his acts subsided and became apparent to

1 them, due to UCLA's and the media's revelation of his pattern of misconduct and the
2 subsequent police and prosecutorial action allowing such victims, including Plaintiffs, to
3 come forward without fear of reprisal by Defendants.

4 184. Defendants actively concealed numerous complaints of Heaps's sexually
5 abusive behavior in order to deceive Plaintiffs into believing that his sexual abuse was a
6 legitimate medical treatment. Heaps's conduct in relation to Plaintiffs was intended to,
7 and did, shame, humiliate, and embarrass Plaintiffs to their substantial psychological and
8 emotional detriment, coercing them from disclosing the abuse to UCLA. By his conduct
9 and statements, Heaps falsely represented to Plaintiffs that his acts were for the proper
10 purpose of conducting a vaginal examination, ultrasound, pap smear, and/or breast exam
11 and that his acts conformed to accepted medical practice. In reliance upon these
12 representations and the fact that Heaps was a UCLA-employed doctor, Plaintiffs at all
13 times trusted that Heaps had provided them with legitimate medical treatment.

14 185. No Plaintiff has ever been a medical professional or had any specialized
15 medical training, and hence Plaintiffs did not discover and could not have reasonably
16 discovered their abuse at an earlier date than they did. Plaintiffs were led to believe that
17 Heaps's sexual abuse was not, in fact, sexual abuse, but rather was legitimate
18 gynecological treatment because Heaps was employed at UCLA medical facilities.

19 186. Only in June 2019, after Heaps was arrested and charged with criminal
20 violations, and when his sexual mistreatment of female patients, including young female
21 UCLA students, was nationally publicized in the media, did Plaintiffs come to learn that
22 Heaps's treatment of them was not a legitimate medical treatment, but was instead
23 sexual assault committed for his own gratification.

24 187. Prior to the recent revelation of Heaps's conduct, Plaintiffs did not discover,
25 and could not have reasonably discovered, UCLA's awareness and wrongful
26 concealment of Heaps's pattern of abusive conduct.

27 188. Plaintiffs were ignorant of the true facts related to their abuse until it was
28 revealed in June 2019. Not until June 2019, when Heaps was arrested and charged, and

1 when his sexual misconduct received national media attention and became public
 2 knowledge, did Plaintiffs know or have any reason to know of their claims against
 3 Defendants. Not until then could Plaintiffs have reasonably discovered that UCLA had
 4 notice of Heaps's misconduct but failed to stop it. Plaintiffs' claims therefore accrued in
 5 June 2019.

6 **CLASS ACTION ALLEGATIONS**

7 189. Plaintiffs bring this action under Federal Rule of Civil Procedure 23 on
 8 behalf of a class of all female patients of Dr. James Heaps who were seen for treatment
 9 by Dr. Heaps (1) at UCLA Medical Center (currently known as Ronald Reagan UCLA
 10 Medical Center) from January 1, 1986 to June 28, 2018, (2) at UCLA's student health
 11 center (currently known as Arthur Ashe Student Health and Wellness Center) from
 12 January 1, 1983 to June 30, 2010, or (3) at Dr. Heaps's medical offices at 100 UCLA
 13 Medical Plaza from February 1, 2014 to June 28, 2018. Excluded from this class are
 14 counsel for Plaintiffs and their employees and immediate family members, and all judges
 15 assigned to this case and their staffs and immediate family members. Plaintiffs reserve
 16 the right to amend the class definition, based on further investigation and discovery.

17 190. The requirements of Federal Rule of Civil Procedure 23(a), (b)(3), and/or
 18 (c)(4) are satisfied in this case.

19 191. Numerosity (Fed. R. Civ. P. 23(a)(1)). Joinder of the class members in a
 20 single litigation is not practicable. There are several thousand individuals in the class.
 21 Their identities can be readily determined from records in the UC Regents' possession.

22 192. Commonality and Predominance (Fed. R. Civ. P. 23(a)(2), (b)(3)).
 23 Questions of law and fact common to class members predominate over any questions
 24 that may affect only individual class members. Questions of law and fact common to the
 25 class include, without limitation:

- 26 a. Whether Heaps committed sexual assault and battery;
- 27 b. Whether Heaps violated the law during and within the scope of his
- 28 employment at UCLA;

1 c. Whether and when the UC Regents knew or reasonably should have
2 known of Heaps's misconduct;

3 d. Whether the UC Regents' actions and inaction in response to such
4 knowledge were reasonably tailored to prevent foreseeable harm;

5 e. Whether the UC Regents acted negligently, including with respect to
6 training and supervising Heaps and preventing future injuries committed by him;

7 f. Whether the UC Regents is legally responsible for Heaps's conduct
8 under principles of respondeat superior or ratification; and

9 g. Whether Defendants acted to suppress, minimize, and deter
10 complaints about Heaps's predatory behavior.

11 193. Typicality (Fed. R. Civ. P. 23(a)(3)). Plaintiffs' claims are typical of the
12 claims of the class. The same legal doctrines and the same pattern and practice of sexual
13 assault, battery, and harassment give rise to the claims of all class members. All class
14 members were unlawfully exposed to the same unsafe clinical setting.

15 194. Adequacy of representation (Fed. R. Civ. P. 23(a)(4)). Plaintiffs will fairly
16 and adequately protect the interests of the class. Plaintiffs have no interests antagonistic
17 to the interests of other class members and are committed to vigorously prosecuting this
18 action on their behalf. Plaintiffs have retained counsel experienced in prosecuting class
19 actions, including sexual assault class actions under California law.

20 195. Superiority (Fed. R. Civ. P. 23(b)(3)). A class action is superior to all other
21 available methods for the fair and efficient adjudication of this controversy. Because the
22 amount of each individual class member's claim is small relative to the complexity of
23 the litigation, and because of the UC Regents' financial resources, many class members
24 are unlikely to pursue legal redress individually for the violations detailed in this
25 complaint. Classwide adjudication of common questions, such as the UC Regents' legal
26 responsibility for Heaps's conduct, is superior to multiple individual actions and will
27 conserve judicial and party resources while promoting consistency of adjudication.

misconduct, and responded unreasonably in failing to terminate his employment, publicize his misconduct, and remove him from a situation in which he could and would continue abusing patients, including Plaintiffs, at federally funded UCLA facilities.

207. The UC Regents maintained a policy of deliberate indifference to reports of sexual misconduct against physicians at UCLA Health. Despite possessing actual knowledge of Heaps's misconduct since no later than 1999, the UC Regents failed to investigate the complaints or to take any action to prevent Heaps from continuing to abuse and harass patients. The UC Regents' policy of deliberate indifference to Heaps's misconduct created a heightened risk that Plaintiffs would be sexually assaulted or harassed at UCLA facilities.

208. At all relevant times, the setting in which Heaps's sexual misconduct occurred—examinations at UCLA's medical centers and health clinics—was subject to the UC Regents' control.

209. The UC Regents' failure to investigate Heaps's conduct and take corrective action, as required by Title IX, was a substantial factor in causing damage to Plaintiffs. As a direct and proximate result of the UC Regents' violations of Title IX, Plaintiffs suffered harm, including shock, fright, distress, grief, and anguish, in an amount to be determined at trial.

SECOND CAUSE OF ACTION
Negligence and/or Gross Negligence
(Against the UC Regents)

210. Plaintiffs incorporate the above allegations by reference.

211. Prior to Heaps's sexual molestation and harassment of Plaintiffs, the UC Regents knew or reasonably should have known of Heaps's propensity to molest and harass female patients during sensitive gynecological and oncology examinations.

212. Prior to Heaps's sexual molestation and harassment of Plaintiffs, Heaps failed to follow protocol, including by groping female patients' breasts and manipulating

1 their genitalia in an apparent effort to sexually stimulate them, for his own sexual
2 gratification.

3 213. Prior to Heaps's sexual molestation and harassment of Plaintiffs, the UC
4 Regents received a substantial volume of complaints from patients, nurses, and/or
5 chaperones regarding Heaps's inappropriate behavior.

6 214. Prior to Heaps's sexual molestation and harassment of Plaintiffs, the UC
7 Regents learned that the Medical Board of California had opened an investigation into
8 Heaps's conduct as a physician.

9 215. Plaintiffs' care, welfare, and physical custody were entrusted to the UC
10 Regents, and they voluntarily accepted the accompanying obligations. The UC Regents
11 owed Plaintiffs a special duty of care, particularly in the vulnerable context of a
12 gynecological examination. The UC Regents' duty to protect and warn arose from the
13 special, confidential, and fiduciary relationship between Defendants and Plaintiffs.

14 216. The UC Regents breached its duties of care to each Plaintiff by, among
15 other things:

- 16 a. allowing Heaps to come into contact with her;
 - 17 b. allowing Heaps to come into contact with her without effective
18 supervision;
 - 19 c. failing to prevent Heaps from committing wrongful sexual acts with
20 medical patients, including Plaintiffs;
 - 21 d. failing to appropriately train Heaps;
 - 22 e. failing to appropriately monitor and supervise Heaps;
 - 23 f. continuing to employ Heaps after reports of his improper conduct
24 emerged and after the Medical Board of California began investigating his conduct as a
25 physician;
 - 26 g. failing to sufficiently investigate pervasive reports of sexual abuse by
27 Heaps;
- 28

1 h. failing to take necessary preventive and remedial actions in response
2 to numerous complaints regarding Heaps;

3 i. failing to implement systems or procedures reasonably geared to
4 ensure female patients would not be abused at UCLA medical facilities;

5 j. failing to disclose Heaps's propensity for sexual violation to
6 Plaintiffs, the public, and law enforcement, or otherwise warn Plaintiffs and other
7 potential victims of the significant risk of harm arising from that propensity;

8 k. allowing Heaps to continue in a position of trust and authority, in
9 which he could, and foreseeably would, do great damage to women, including
10 vulnerable college students, even after being alerted as to his past wrongdoing;

11 l. actively concealing from Plaintiffs, the public, and law enforcement
12 that Heaps was sexually harassing and molesting patients; and

13 m. holding Heaps out to Plaintiffs as being trustworthy and of good
14 character.

15 217. The UC Regents' breaches of its duties of care to Plaintiffs foreseeably
16 harmed them and constitute gross negligence.

17 218. The UC Regents' acts and omissions constitute an extreme departure from
18 what reasonably careful university leaders would do in the same situation to prevent
19 molestation and harassment of female patients under their care at university facilities.
20 The UC Regents acted willfully, wantonly, and with conscious and reckless disregard for
21 the rights and interests of Plaintiffs. Its acts and omissions had a great probability of
22 causing considerable harm and in fact did.

23 219. As a direct and proximate result of the UC Regents' negligence set forth
24 herein, Plaintiffs suffered severe emotional distress and are accordingly entitled to
25 appropriate damages. That many class members confronted actual or potential cancer
26 diagnoses further magnified their suffering and stress resulting from the UC Regents'
27 failure to prevent Heaps's foreseeable misconduct.

1 220. A reasonable person in Plaintiffs' situation would be unable to adequately
 2 cope with the mental stress engendered by Heaps's abusive treatment of them, which
 3 was made possible by the UC Regents' negligence. The UC Regents' negligence was a
 4 substantial factor in causing Plaintiffs to experience suffering at a level no reasonable
 5 person should have to endure.

6 221. As a direct and proximate result of the UC Regents' negligence and gross
 7 negligence, Plaintiffs are entitled to damages, including punitive damages, in an amount
 8 to be determined at trial.

9
 10 **THIRD CAUSE OF ACTION**
 11 **Violations of the Unruh Act**
 12 **Cal. Civ. Code § 51**
 13 **(Against the UC Regents)**

14 222. Plaintiffs incorporate the above allegations by reference.

15 223. Plaintiffs had the rights to be free from gender discrimination, sexual
 16 molestation, abuse, and harassment under the Unruh Act. The UC Regents violated
 17 these civil rights of Plaintiffs when it intentionally concealed from Plaintiffs complaints
 18 of sexual abuse, molestation, and harassment by Heaps and his investigation by the
 19 Medical Board of California.

20 224. Defendants were acting under the color of their authority and in the scope
 21 of their employment, during the subject incidents, during which Plaintiffs were patients
 22 at UCLA medical facilities under the UC Regents' supervision and control.

23 225. The UC Regents denied Plaintiffs full and equal accommodations,
 24 advantages, facilities, privileges and health-care services because of their gender, by
 25 allowing Heaps unfettered access to sexually abuse Plaintiffs, through his position of
 26 authority as a gynecologist specializing in oncology at UCLA, and by actively
 27 concealing from Plaintiffs that Heaps was engaged in serial sexual predation.

28 226. By employing and retaining Heaps as a gynecologist specializing in
 oncology, despite knowing of numerous reports of Heaps's sexually abusive conduct,

1 and of the existence of an official Medical Board probe into that conduct, the UC
2 Regents permitted and induced female patients to seek necessary medical treatment from
3 Heaps, thereby exposing Plaintiffs to sexual abuse at his hands.

4 227. Heaps made sexual advances and demands for sexual compliance of a
5 hostile nature toward Plaintiffs, based on their gender, that were unwelcome, pervasive,
6 and severe, including groping and fondling A.B., E.F., and G.H.'s breasts, attempting to
7 sexually stimulate E.F.'s genital areas, and remarking on how "tight" C.D. was, under
8 the supervision of the UC Regents, who was acting in the course and scope of its agency
9 with Defendants and each of them.

10 228. The UC Regents' retention of and failure to discipline Heaps denied
11 Plaintiffs full and equal access to safe medical facilities, treatment, and services, on the
12 basis of their gender.

13 229. The substantial motivating reason for the UC Regents' active concealment
14 of numerous complaints of Heaps's sexually abusive conduct was Plaintiffs' gender.
15 The UC Regents knew that only female patients would seek gynecological and oncology
16 treatment from Heaps and, thus, that only they would be subjected to his sexual assaults.

17 230. As a direct and proximate result of the UC Regents' violations of the Unruh
18 Act, Plaintiffs suffered harm, including shock, fright, distress, grief, and anguish, in an
19 amount to be determined at trial.

20 **FOURTH CAUSE OF ACTION**

21 **Sexual Assault** 22 **(Against Heaps)**

23 231. Plaintiffs incorporate the above allegations by reference.

24 232. Heaps, in subjecting Plaintiffs to sexual abuse and molestation, during the
25 course and scope of his employment by the UC Regents, intended to and did cause a
26 harmful and sexually offensive contact with their person and place them in imminent
27 apprehension of such contact.

239. Heaps committed the aforementioned acts with the intent to cause a harmful or sexually offensive contact with intimate parts of Plaintiffs' person. These acts would offend a reasonable sense of personal dignity.

240. At no point did any Plaintiff consent to Heaps's acts. Due to Heaps's age and position of authority, each Plaintiff's physical seclusion, and her mental and emotional state, Plaintiffs were unable to, did not, and could not consent to Heaps's acts.

241. As a direct and proximate result of Heaps's sexual batteries, Plaintiffs suffered harm, including shock, fright, distress, grief, and anguish, in an amount to be determined at trial.

SIXTH CAUSE OF ACTION
Intentional Infliction of Emotional Distress
(Against All Defendants)

242. Plaintiffs incorporate the above allegations by reference.

243. Defendants' conduct toward Plaintiffs, as described herein, was outrageous and extreme.

244. A reasonable person would not expect or tolerate the sexual harassment, molestation, and abuse of Plaintiffs by Heaps or the UC Regents' knowledge and callous indifference thereof. Plaintiffs had great trust, faith, and confidence in Defendants, which, by reason of their wrongful conduct, turned to fear.

245. A reasonable person would not expect or tolerate the UC Regents' retaining of Heaps in a position of care with respect to Plaintiffs and other patients. At the time of the subject incidents, the UC Regents knew that Heaps had physically and sexually abused numerous female patients, including vulnerable college students. The UC Regents' condoning of Heaps's misbehavior enabled him to have access to Plaintiffs and other patients, and resulted in his commission of wrongful sexual acts, including the conduct described herein, against female patients, including Plaintiffs.

246. A reasonable person would not expect or tolerate the UC Regents and its agents to be unable to stop agents of the UC Regents, including Heaps, from committing

wrongful sexual acts with patients, including Plaintiffs, or to properly supervise, restrain, and discipline Heaps.

247. Heaps's conduct described herein was intentional, malicious, and done for the purpose of causing, and with the substantial certainty that Plaintiffs would suffer, humiliation, mental anguish, and emotional and physical distress.

248. The UC Regents acted with reckless disregard of the probability that Plaintiffs would suffer emotional distress, knowing that Plaintiffs were patients at UCLA facilities at the time Heaps's pattern of wrongful and abusive conduct was ongoing.

249. As a direct and proximate result of Defendants' intentional conduct set forth herein, Plaintiffs suffered severe emotional distress and are accordingly entitled to appropriate damages. That many class members confronted actual or potential cancer diagnoses further magnified their suffering and stress resulting from his abhorrent behavior.

250. A reasonable person in Plaintiffs' situation would be unable to adequately cope with the mental stress engendered by Heaps's abusive treatment of her. Defendants' conduct was a substantial factor in causing Plaintiffs to experience suffering at a level no reasonable person should have to endure.

SEVENTH CAUSE OF ACTION

Ratification

(Against the UC Regents)

251. Plaintiffs incorporate the above allegations by reference.

252. Heaps was an agent and employee of the UC Regents between 1983 and 2018, during which time he continuously practiced medicine at UCLA facilities.

253. At all relevant times, Heaps was acting, or purporting to act, as an agent of and on behalf of UCLA.

254. During instances of Heaps's abuse of his patients, including of Plaintiffs, Heaps purported to act on behalf of the UC Regents.

256. The UC Regents ratified all acts and omissions described herein. Many UCLA administrators and employees, including nurses and chaperones, knew that Heaps was molesting female patients and students under UCLA's and the UC Regents' care. They failed to take appropriate actions to stop him. They actively concealed his transgressions. The inaction of the UC Regents enabled the sexual abuse and assault of Plaintiffs and hundreds of women like them.

258. Imputing liability to the UC Regents advances the purposes of respondeat superior. It would be unjust for the UC Regents to disclaim responsibility for injuries occurring during the course of Heaps's activities as a women's health doctor at UCLA's medical facilities. Imputing liability to the UC Regents will prevent future harm and assure compensation to the victims.

PRAYER FOR RELIEF

A. Certify the class under Federal Rule of Civil Procedure 23, appoint Plaintiffs as class representatives, and appoint their attorneys as class counsel;

C. Award appropriate compensatory and punitive damages to Plaintiffs and the class;

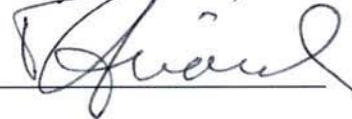
D. Award reasonable attorneys' fees and costs.

DEMAND FOR JURY TRIAL

Under Federal Rule of Civil Procedure 38(b), Plaintiffs demand a trial by jury of all issues so triable.

Dated: October 16, 2020

Respectfully submitted,

By: 

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PROOF OF SERVICE

I am employed in the county of Alameda, State of California. I am over the age of 18 and not a party to the within action. My business address is: 505 14th Street, Suite 1110, Oakland, California 94612.

On November 6, 2020, I served a copy of the foregoing documents described as follows:

CLASS ACTION COMPLAINT (REDACTED)

CLASS ACTION COMPLAINT (UNREDACTED)

on the following interested party(ies) in this action:

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☐ BY MAIL: by placing the document(s) listed above for collection and mailing following the firm's ordinary business practice in a sealed envelope with postage thereon fully prepaid for deposit in the United States mail at Oakland, California addressed as set forth above.

☐ BY OVERNIGHT DELIVERY: by depositing the document(s) listed above in a sealed envelope for collection and delivery by FedEx with delivery fees paid or provided for in accordance with ordinary business practices.

☒ BY EMAIL: by electronically transmitting a PDF version of above listed documents to the email addresses set forth above on this date.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on November 6, 2020, at Oakland, California.



Lindsey A. Kincaid