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12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**
14

15 KENDALL FUJIOKA, KENIA GOMEZ,
16 JANE KF DOE, JANE AN DOE, and JANE
TH DOE,

17 Plaintiffs,

18 v.

19 UNIVERSITY OF SOUTHERN
20 CALIFORNIA, a California corporation; DR.
GEORGE TYNDALL, an individual; and
21 DOES 1 through 500,

22 Defendant.
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Case No.

COMPLAINT FOR DAMAGES

1. **VIOLATION OF UNRUH ACT (CIVIL CODE § 51)**
2. **VIOLATION OF BANE ACT (CIVIL CODE § 52.1)**
3. **SEXUAL ABUSE AND HARASSMENT IN THE EDUCATIONAL SETTING (EDUCATION CODE § 220)**
4. **GENDER VIOLENCE (CIVIL CODE § 52.4)**
5. **SEXUAL HARASSMENT (CIVIL CODE § 51.9)**
6. **SEXUAL ASSAULT;**
7. **SEXUAL BATTERY (CIVIL CODE § 1708.5)**
8. **UNFAIR BUSINESS PRACTICES (BUS. & PROF. CODE § 17200)**
9. **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
10. **CONSTRUCTIVE FRAUD (CIVIL CODE § 1573)**
11. **NEGLIGENCE**
12. **NEGLIGENT SUPERVISION**
13. **NEGLIGENT HIRING/RETENTION**

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**NEGLIGENT FAILURE TO WARN,
TRAIN OR EDUCATE**

DEMAND FOR JURY TRIAL

1 Plaintiffs KENDALL FUJIOKA, KENIA GOMEZ, JANE KF DOE, JANE AN DOE, and
2 JANE TH DOE, by and through their attorneys, file this action against UNIVERSITY OF
3 SOUTHERN CALIFORNIA, a California corporation ("USC"); DR. GEORGE TYNDALL, an
4 individual; and DOES 1 through 500 (together with USC and DR. TYNDALL, the
5 "DEFENDANTS"). Plaintiffs make the following allegations upon information and belief except
6 those of which they have personal knowledge because the allegations relate expressly to such
7 Plaintiff's personal experiences.

8 **INTRODUCTION**

9 1. This action seeks to vindicate the rights of young women who were sexually
10 abused, harassed, molested and physically assaulted at the hands of serial sexual predator,
11 Defendant DR. GEORGE TYNDALL (hereinafter referred to as, "TYNDALL" or "THE
12 PERPETRATOR"), while they were students at Defendant UNIVERSITY OF SOUTHERN
13 CALIFORNIA (hereinafter referred to as "USC"). While attending Defendant USC, Plaintiffs
14 were each forced to seek medical treatment from TYNDALL, due to the fact that he was the only
15 full-time gynecologist with regular availability on staff at Defendant USC's Student Health Clinic.
16 TYNDALL used this position of trust and authority to sexually abuse Plaintiffs on multiple
17 occasions, by engaging in acts that include but are not limited to: forcing Plaintiffs to strip naked,
18 groping Plaintiffs' breasts, forcing Plaintiffs to undergo unnecessary pelvic exams, penetrating
19 Plaintiffs' vaginas in a rough manner, and gratifying himself by saying sexually explicit comments
20 while fondling Plaintiffs' genitals, for no legitimate medical purpose and for no other reason than
21 to satisfy his own prurient sexual desires. Despite the fact that USC has publicly admitted that it
22 received numerous complaints of TYNDALL's sexually abusive behavior, dating back to at least
23 1988, Defendant USC actively and deliberately concealed TYNDALL's sexual abuse for years,
24 continuing to grant TYNDALL unfettered sexual access to the young female USC students in his
25 care, all to protect Defendant USC's reputation and financial coffers.

26 **KENDALL FUJIOKA**

27 2. Plaintiff KENDALL FUJIOKA is a 26 year old woman who is currently a resident
28 of Orange County, California.

1 significant pain. During the examination, he made sexually explicit comments and innuendo
2 during the exam. He asked if she was a runner because he liked how her muscles were so tight.
3 During the exam, he asked if she had a boyfriend and how frequently she had sex. TYNDALL
4 was a large man with a big stature. She felt like he was imposing on her.

5 7. At the time, Plaintiff GOMEZ, in reasonable reliance upon Defendant USC's active
6 concealment of its knowledge that TYNDALL was a serial sexual abuser, Defendant USC's
7 representations that TYNDALL was a trustworthy medical professional, and the fact that a USC
8 employed chaperone witnessed the abuse yet remained silent, was blamelessly ignorant of the fact
9 that TYNDALL's actions were not medically legitimate, but rather were sexually abusive. It was
10 not until 2018 that Plaintiff GOMEZ realized, for the first time, that TYNDALL's actions were
11 purely motivated by his own prurient desires and were in fact sexual assaults.

12 **JANE KF DOE**

13 8. Plaintiff JANE KF DOE is a 30 year old women who is currently a resident of Los
14 Angeles County, California.

15 9. JANE KF DOE attended USC'S Law School from 2011 to 2013. In approximately
16 2013, JANE KF DOE had her first gynecological appointment at Defendant USC's Student Health
17 Center. TYNDALL, as the only full-time gynecologist with regular availability at the Student
18 Health Center, was assigned to be JANE KF DOE'S treating physician. In this way, TYNDALL
19 gained access to Plaintiff JANE KF DOE and sexually abused her by, among other things: forcing
20 her to undergo a pelvic exam even though she merely sought birth control and making
21 inappropriate and sexually explicit comments about her sex life, including encouraging her to be
22 promiscuous, suggesting she will eventually divorce her husband or cheat on him with other men
23 because there is so much "deliciousness" in the world, pushing her to unnecessarily get the HPV
24 vaccine, making comments about her pubic hair, and asking her if a recent bikini wax changes the
25 sensation of sex. TYNDALL's hands were in or around JANE KF DOE's vagina area at the time
26 he made these sexually explicit comments and said the word "deliciousness" while pulling back
27 her labia. TYNDALL asked her about mammograms, even though JANE KF DOE was still in her
28 20s, and then sought to conduct a gratuitous breast exam. During the entire time that TYNDALL

1 was sexually abusing JANE KF DOE, a USC-employed chaperone was present in the examination
2 room, observing the abuse yet saying nothing.

3 10. At the time, Plaintiff JANE KF DOE, in reasonable reliance upon Defendant
4 USC's active concealment of its knowledge that TYNDALL was a serial sexual abuser, Defendant
5 USC's representations that TYNDALL was a trustworthy medical professional, and the fact that a
6 USC-employed chaperone witnessed the abuse yet remained silent, was blamelessly ignorant of
7 the fact that TYNDALL's actions were not medically legitimate, but rather were sexually abusive.
8 It was not until 2018 that Plaintiff JANE KF DOE realized, for the first time, that TYNDALL's
9 actions were purely motivated by his own prurient desires and were in fact sexual assaults.

10 **JANE AN DOE**

11 11. Plaintiff JANE AN DOE is a 33 year old women who is currently a resident of
12 Sonoma County, California.

13 12. JANE AN DOE attended USC from 2006 to 2008. In or around 2008, JANE AN
14 DOE had her first gynecological appointment at Defendant USC's Student Health Center.
15 TYNDALL, as the only full-time gynecologist with regular availability at the Student Health
16 Center, was assigned to be JANE AN DOE's treating physician. In this way, TYNDALL gained
17 access to Plaintiff JANE AN DOE and sexually assaulted her. JANE AN DOE sought treatment
18 because she had been sexually assaulted off campus while a student at USC and a tampon was
19 lodged deep inside of her by the perpetrator. She had tried to get it out by herself but was unable
20 to. She went to the Student Health Center for professional gynecological services. TYNDALL
21 made sexually explicit comments about her rape, demeaning her and making her feel ashamed.
22 He told her it "looks like you had fun last night" while performing the tampon extraction and
23 touched her roughly throughout the process. TYNDALL never asked her about the circumstances
24 of the deeply-lodged tampon and never gave her a rape kit. Instead, he embarrassed and
25 humiliated her with his flippant attitude toward her traumatic experience, thereby silencing her and
26 making her feel ashamed of her trauma.

27 13. At the time, Plaintiff JANE AN DOE, in reasonable reliance upon Defendant
28 USC's active concealment of its knowledge that TYNDALL was a serial sexual abuser, Defendant

1 USC’s representations that TYNDALL was a trustworthy medical professional, and the fact that a
2 USC-employed chaperone witnessed the abuse yet remained silent, was blamelessly ignorant of
3 the fact that TYNDALL’s actions were not medically legitimate, but rather were sexually abusive.
4 It was not until 2018 that Plaintiff JANE AN DOE realized, for the first time, that TYNDALL’s
5 actions were purely motivated by his own prurient desires and were in fact sexual assaults.

6 **JANE TH DOE**

7 14. Plaintiff JANE TH DOE is a 36 year old women who is currently a resident of Los
8 Angeles County, California.

9 15. JANE TH DOE was a student at USC from 2000 to 2005. In or around 2001,
10 JANE TH DOE had her first gynecological appointment at Defendant USC’s Student Health
11 Center. TYNDALL, as the only full-time gynecologist with regular availability at the Student
12 Health Center, was assigned to be JANE TH DOE's treating physician. In this way, TYNDALL
13 gained access to Plaintiff JANE TH DOE and sexually abused her. Even though JANE TH DOE
14 was not sexually active at the time, TYNDALL insisted she undergo a pap smear and vaginal
15 examination. TYNDALL digitally penetrated JANE TH DOE's vagina. During the exam, he
16 made sexually explicit comments about her body and vagina. He asked her if she wanted him to
17 show her how to masturbate properly. He asked if she was a runner because she had the legs of a
18 runner.

19 16. At the time, Plaintiff JANE TH DOE, in reasonable reliance upon Defendant
20 USC’s active concealment of its knowledge that TYNDALL was a serial sexual abuser, Defendant
21 USC’s representations that TYNDALL was a trustworthy medical professional, and the fact that a
22 USC employed chaperone witnessed the abuse yet remained silent, was blamelessly ignorant of
23 the fact that TYNDALL’s actions were not medically legitimate, but rather were sexually abusive.
24 It was not until 2018 that Plaintiff JANE TH DOE realized, for the first time, that TYNDALL’s
25 actions were purely motivated by his own prurient desires and were in fact sexual assaults.

26 **DEFENDANT, DR. GEORGE TYNDALL – THE PERPETRATOR**

27 17. Defendant TYNDALL, at all times mentioned herein was and is an adult male
28 individual, who Plaintiffs are informed and believe lived in the State of California during the

1 period of time during which the sexual abuse, harassment, and molestation alleged herein took
2 place and is currently a citizen of the State of California. Plaintiffs are informed and believe, and
3 on this basis allege, that TYNDALL received his medical degree from the Medical College of
4 Pennsylvania in 1985 and completed his medical residency in Obstetrics and Gynecology at
5 Kaiser Foundation Hospital in Los Angeles, California, in 1989. Upon completion of his
6 residency, TYNDALL was hired by USC as a full-time gynecologist at USC's student health
7 clinic, and was employed in that capacity until June 30, 2017, when Defendant USC allowed
8 TYNDALL to quietly resign, with a financial settlement paid by Defendant USC, in a deliberate
9 attempt to continue to conceal TYNDALL's sexual abuse from Plaintiffs; the Trojan family of
10 students, alumni, donors, and supporters of Defendant USC in the community; law enforcement;
11 the California Medical Board; and the public at large. During his nearly thirty years at Defendant
12 USC, Plaintiffs are informed and believe, and on this basis allege, that TYNDALL sexually
13 abused and molested dozens of young female students, including Plaintiffs, through use of his
14 position, authority and trust as the only full-time gynecologist with regular availability employed
15 by USC student health services. It was only in 2017, when Defendant USC paid TYNDALL a
16 substantial financial settlement so that he would quietly resign, so that Defendant USC could
17 continue to actively conceal the myriad complaints they had received of TYNDALL's sexually
18 abusive behavior, that TYNDALL's systematic sexual abuse and molestation of USC's young
19 female students was finally halted. At all times herein alleged, TYNDALL was an employee,
20 agent, and/or servant of Defendant USC and DOES 1 through 500, and/or was under their
21 complete control and/or direct supervision.

22 18. Plaintiffs are informed and believe, and on this basis allege, that TYNDALL was
23 retained by USC as a research assistant, and then as a Gynecological Physician and to provide
24 medical care and treatment to the young women attending USC as undergraduate and graduate
25 students, most of whom were very young adults and many of whom had never received any
26 gynecological treatment before, while in his care. It was through this position of trust and
27 confidence, that TYNDALL exploited Plaintiffs, in perpetrating his sexual abuse, molestation and
28 harassment upon Plaintiffs. All of the sexually abusive and harassing conduct alleged herein was

1 done for TYNDALL’s sexual gratification and was based upon the gender of Plaintiffs.

2 19. In the event that TYNDALL is prosecuted and convicted of a felony for the
3 conducted alleged herein, Plaintiffs requests leave to amend the instant Complaint, such that a
4 request for attorneys’ fees can be made against TYNDALL pursuant to the California Code of
5 Civil Procedure § 1021.4.

6 USC

7 20. Defendant USC at all times mentioned herein was and is a California Corporation,
8 having its principal place of business in the State of California, County of Los Angeles. Plaintiffs
9 are informed and believe USC is a private research university, established in 1880, located in Los
10 Angeles, California. Defendant USC proclaims itself to be “one of the world’s leading private
11 research universities. An anchor institution in Los Angeles, a global center for arts, technology
12 and international business, USC’s diverse curricular offerings provide extensive opportunities for
13 interdisciplinary study and collaboration with leading researchers in highly advanced learning
14 environments.” Defendant USC’s Code of Ethics states: “we aspire to create an environment in
15 which racism, sexism, ageism, xenophobia and homophobia do not go unchallenged.” Moreover,
16 Defendant USC claims that its University Policies “have been established to create a safe and
17 productive academic and work environment. All university employees and students are expected
18 to be familiar with these policies and to follow them.” Further, Defendant USC purports to have a
19 \$5.1 billion endowment as of June 30, 2017, a \$4.9 billion budget for the 2017-2018 fiscal year,
20 and \$764 million in sponsored research for the 2017-2018 fiscal year. While charging its
21 undergraduate students one of the highest tuition costs in the United States – \$74,825 in tuition
22 and fees, per year – Defendant USC holds itself out to be one of the world’s most elite, prestigious
23 and reputable higher learning institutions. Defendant USC deliberately crafted this public image in
24 order to actively conceal the fact that it employed TYNDALL, a serial sexual predator, and
25 allowed TYNDALL unfettered sexual access to its young female patients and students for nearly
26 thirty years.

27 21. Furthermore, Defendant USC’s marketed and promoted its Engemann Student
28 Health Center (“Student Health Center”), and its predecessor institution, as a safe, affordable and

1 convenient healthcare provider where its students could obtain necessary medical treatment. The
2 Student Health Center is an especially critical resource to young female students, many of whom
3 are living away from home for the first time and require safe, direct, and private access to crucial
4 gynecological and reproductive health treatment. Defendant USC’s Student Health Center’s own
5 website proclaims: “Structured for students currently registered for classes, our focus is to help
6 students maintain an optimum level of physical and mental health and to guide them in
7 maintaining a healthy lifestyle.” Defendant USC’s Student Health Center “serves those students
8 who are registered for classes and who have paid the Student Health Fee;” thus, Defendant USC
9 requires its students to pay a premium above and beyond the \$74,825 that they pay in tuition and
10 fees, in order to receive medical treatment at the Student Health Center. Defendant USC does not
11 waive or reduce their “Student Health Fee” even for those students who qualify as low-income,
12 making clear that Defendant USC prioritizes its own financial gain over the health and safety of its
13 students at every juncture. The Mission Statement of Defendant USC’s Student Health Center
14 states: “Our mission at Engemann Student Health Center is to provide high quality, cost-effective
15 and client oriented services and resources in health promotion and disease prevention, primary
16 care and counseling to the University Park Campus student community. We strive to facilitate the
17 .completion of your academic career at USC by promoting healthy lifestyles and caring for your
18 physical and psychological illnesses and concerns.”

19 22. At all times during his employment with the Medical Center and Student Health
20 Center, Defendant USC held Defendant TYNDALL out to be a trustworthy and legitimate
21 gynecological physician; indeed, by making TYNDALL the only full-time gynecologist with
22 regular availability on staff at Defendant USC’s Student Health Center, Defendant USC forced its
23 young female students to place their trust and confidence in TYNDALL in order to receive
24 necessary medical care. In making this false representation, Defendant USC concealed numerous
25 complaints lodged by female students about TYNDALL’s sexual abuse, which date back to at
26 least 1988, before Defendant USC had even hired TYNDALL as a gynecologist in its Student
27 Health Center. Plaintiffs are informed and believe, and on this basis allege, that Defendant USC
28 received myriad complaints of TYNDALL’s sexually abusive nature, and therefore knew of

1 25. TYNDALL, USC and DOES 1 through 500, inclusive, are sometimes collectively
2 referred to herein as "Defendants" and/or as "All Defendants"; such collective reference refers to
3 all specifically named Defendants as well as those fictitiously named herein. 38. Plaintiffs are
4 informed and believe, and on that basis allege that at all times mentioned herein, each Defendant
5 was responsible in some manner or capacity for the occurrences herein alleged, and that Plaintiffs'
6 damages, as herein alleged, were proximately caused by all said Defendants.

7 26. At all times mentioned herein, each and every Defendant was an employee, agent,
8 and/or servant of Defendant USC and DOES 1 through 500, inclusive, and/or was under their
9 complete control and/or active supervision. Defendants and each of them are individuals,
10 corporations, partnerships and/or other entities that engaged in, joined in, and conspired with other
11 Defendants and wrongdoers in carrying out the tortuous and unlawful activities described in this
12 Complaint.

13 27. Plaintiffs are informed and believe, and on that basis allege that at all times
14 mentioned herein, there existed a unity of interest and ownership among Defendants and each of
15 them such that any individuality and separateness between Defendants, and each of them, ceased
16 to exist. Defendants and each of them were the successors-in-interest and/or alter egos of the other
17 Defendants, and each of them, in that they purchased, controlled, dominated and operated each
18 other without any separate identity, observation of formalities, or other manner of division. To
19 continue maintaining the facade of a separate and individual existence between and among
20 Defendants, and each of them, would serve to perpetrate a fraud and injustice.

21 28. Plaintiffs are informed and believe, and on that basis allege that at all times
22 mentioned herein, Defendant TYNDALL, Defendant USC and DOES 1 through 500 were the
23 agents, representatives and/or employees of each and every other Defendant. In doing the things
24 hereinafter alleged, Defendants and each of them were acting within the course and scope of said
25 alternative personality, capacity, identity, agency, representation and/or employment and were
26 within the scope of their authority, whether actual or apparent.

27 29. Plaintiffs are informed and believe, and on that basis allege that at all times
28 mentioned herein, TYNDALL, Defendant USC, and DOES 1 through 500 were the trustees,

1 partners, servants, joint venturers, shareholders, contractors, and/or employees of each and every
2 other Defendant, and the acts and omissions herein alleged were done by them, acting
3 individually, through such capacity and within the scope of their authority, and with the
4 permission and consent of each and every other Defendant and that said conduct was thereafter
5 ratified by each and every other Defendant, and that each of them is jointly and severally liable to
6 Plaintiffs.

7 **FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS BY FUJIOKA**

8 30. At all times material hereto, Plaintiff FUJIOKA was a student in USC's Master of
9 Social Work program and was under Defendants USC, TYNDALL's, and DOES 1 through 500's
10 complete control, dominion, and supervision. TYNDALL worked for, was employed by, and/or an
11 agent/servant of the Defendants USC and/or DOES 1 through 500, when TYNDALL came into
12 contact with the Plaintiff FUJIOKA.

13 31. Plaintiff is informed and believes, and on this basis alleges, that at all times
14 material hereto, TYNDALL was under the direct supervision, management, agency and control of
15 Defendants USC and DOES 1 through 500, inclusive. Plaintiff is informed and believes, and on
16 this basis alleges, that TYNDALL was hired, employed, supervised, and retained by Defendant
17 USC, and DOES 1 through 500. In this capacity, TYNDALL's employment duties included
18 providing gynecological care to the young female students of Defendant USC. The purported care
19 offered by TYNDALL included, but was not limited to, conducting gynecological examinations to
20 the female patients of Defendants USC and DOES 1 through 500, which included Plaintiff
21 FUJIOKA. Plaintiff FUJIOKA was a student in USC's Master of Social Work program and was a
22 patient of Defendant USC's Student Health Center, TYNDALL, and DOES 1 through 500, and it
23 is under these circumstances that Plaintiff FUJIOKA came to be under the direction and control of
24 TYNDALL who used his position of authority and trust to molest and sexually abuse Plaintiff
25 FUJIOKA.

26 32. As a patient of Defendants USC and DOES 1 through 500, Plaintiff FUJIOKA was
27 under TYNDALL's direct supervision, control and care, which created a special, confidential, and
28 fiduciary relationship between Plaintiff FUJIOKA and TYNDALL. Because of such relationship,

1 TYNDALL owed Plaintiff a duty of care. Additionally, as the employers and supervisors of
2 TYNDALL with knowledge that he was in contact with and providing medical care to female
3 patients, Defendants USC and DOES 1 through 500 were also in a special, confidential, and
4 fiduciary relationship with Plaintiff FUJIOKA, owing Plaintiff FUJIOKA a duty of care.

5 33. By employing TYNDALL and assigning him as the sole full-time gynecologist
6 with regular availability at Defendant USC's Student Health Center, Defendants USC and DOES
7 1 through 500 represented to its students, and the community, that TYNDALL was safe,
8 trustworthy, and of high moral and ethical repute, such that patients need not worry about having
9 TYNDALL interact with, and provide care to, those patients. Defendants did so in order to
10 preserve their own public image and reputation, so they could retain past students and recruit new
11 patients, thus allowing donations and other financial support to continue flowing into their coffers
12 for financial gain.

13 34. Plaintiff FUJIOKA is informed and believes, and on that basis alleges, that
14 Defendants knew or should have known that TYNDALL had engaged in unlawful sexually
15 abusive conduct in the past, and/or was continuing to engage in such conduct. Defendants had a
16 duty to disclose these facts to Plaintiff FUJIOKA and others, but negligently and/or intentionally
17 suppressed, concealed or failed to disclose this information. The duty to disclose this information
18 arose by the special, trusting, confidential, fiduciary relationship between Defendants and Plaintiff
19 FUJIOKA. Specifically, the Defendant USC knew that TYNDALL was groping, digitally
20 penetrating, and otherwise sexually harassing patients and young female students in isolation with
21 those patients and students, based on the following:

22 a. In approximately 2014, FUJIOKA made her first gynecological
23 appointment at Defendant USC's Student Health Center. TYNDALL, as the only full-time
24 gynecologist with regular availability employed by USC's Student Health Center, was assigned to
25 be FUJIOKA's treating physician. She was in her early 20s at the time.

26 b. Plaintiff FUJIOKA made the appointment with USC's Student Health
27 Center and saw TYNDALL for purposes of a sexually-transmitted disease check and a urinary
28 tract infection. Neither of these required any kind of physical examination. FUJIOKA did not

1 believe she needed a physical or pelvic examination, but TYNDALL urged and pushed her to
2 allow him to do one. When TYNDALL told the chaperone in the room that he would be
3 proceeding to conduct a pelvic examination, the chaperone rolled her eyes. Under the guise of
4 conducting a medically legitimate physical and pelvic examination, TYNDALL did a gratuitous
5 breast exam of Plaintiff FUJIOKA. He then roughly forced several of his fingers into Plaintiff's
6 vagina, causing FUJIOKA intense pain. TYNDALL stuck his finger up her anus, as well.
7 TYNDALL gave FUJIOKA no prior notice or warning of the nature, extent, and manner of the
8 pelvic exam. TYNDALL held his fingers in her vagina and anus for a longer than medically
9 necessary period of time for his own personal gratification. It felt like an eternity to FUJIOKA.
10 While conducting the pelvic examination and with his fingers still inside her, TYNDALL told
11 FUJIOKA that she "would have a very happy husband one day."

12 c. Before the pelvic examination, TYNDALL made overly racist and
13 incredibly inappropriate comments about FUJIOKA's Asian-American heritage. He asked her,
14 "What is your mix?" When she responded she had Japanese origins, he replied, "Oh that's a
15 beautiful mix." He later commented that FUJIOKA "looks like my wife."

16 d. Plaintiff FUJIOKA is informed and believes, and on this basis alleges, that
17 TYNDALL's racist and sexually explicit statements were designed to shame, humiliate, and
18 control Plaintiff FUJIOKA so that she would be silenced, and therefore would not repeat the
19 comment or report TYNDALL's sexually abusive conduct to any other person, so that TYNDALL
20 could continue to sexually abuse the young female students of USC with impunity. Plaintiff
21 FUJIOKA is informed and believes, and on that basis alleges, that TYNDALL's racist and
22 sexually explicit statements while he was sexually abusing her were for his own sexual
23 gratification and to satisfy his prurient desires. Plaintiff FUJIOKA is informed and believes, and
24 on this basis alleges, that TYNDALL touched her vagina in a rough manner solely to inflict pain
25 upon FUJIOKA, in order to satisfy his own sexual desires.

26 e. Throughout this entire time that TYNDALL was sexually abusing
27 FUJIOKA in this way, a USC-employed chaperone was present in the examination room,
28 witnessing TYNDALL's sexual abuse yet saying nothing. At one point during the examination,

1 FUJIOKA looked at the chaperone. The chaperone did not make eye contact and looked down.
2 f. In reasonable reliance upon Defendant USC’s representations that
3 TYNDALL was a trustworthy physician, Defendant USC’s active concealment of its knowledge
4 that TYNDALL was a serial sexual predator, and the fact that a USC-employed chaperone
5 observed the examination and said nothing, Plaintiff FUJIOKA reasonably believed that
6 TYNDALL’s treatment of her must have been medically legitimate. Plaintiff FUJIOKA also had
7 no medical training or experience with which to gauge whether TYNDALL’s conduct was, in fact,
8 sexual abuse, such that she was blamelessly ignorant of the fact that she had been sexually abused
9 by TYNDALL. TYNDALL was the very first male gynecologist FUJIOKA ever encountered. It
10 was only in May of 2018, when TYNDALL’s rampant sexual abuse of the young female student-
11 patients of Defendant USC was nationally publicized by the media, that FUJIOKA came to learn
12 that TYNDALL’s treatment of her was never legitimate medical treatment, but rather was sexual
13 assault, committed for his own sexual gratification.

14 **FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS BY JANE KF DOE**

15 35. At all times material hereto, Plaintiff JANE KF DOE was a student at USC's
16 School of Law and was under Defendants USC, TYNDALL’s, and DOES 1 through 500’s
17 complete control, dominion, and supervision. TYNDALL worked for, was employed by, and/or an
18 agent/servant of the Defendants USC and/or DOES 1 through 500, when TYNDALL came into
19 contact with the Plaintiff JANE KF DOE.

20 36. Plaintiff is informed and believes, and on this basis alleges, that at all times
21 material hereto, TYNDALL was under the direct supervision, management, agency and control of
22 Defendants USC and DOES 1 through 500, inclusive. Plaintiff is informed and believes, and on
23 this basis alleges, that TYNDALL was hired, employed, supervised, and retained by Defendant
24 USC, and DOES 1 through 500. In this capacity, TYNDALL’s employment duties included
25 providing gynecological care to the young female students of Defendant USC. The purported care
26 offered by TYNDALL included, but was not limited to, conducting gynecological examinations to
27 the female patients of Defendants USC and DOES 1 through 500, which included Plaintiff JANE
28 KF DOE. Plaintiff JANE KF DOE was a student in USC's School of Law and was a patient of

1 Defendant USC’s Student Health Center, TYNDALL, and DOES 1 through 500, and it is under
2 these circumstances that Plaintiff JANE KF DOE came to be under the direction and control of
3 TYNDALL who used his position of authority and trust to molest and sexually abuse Plaintiff
4 JANE KF DOE.

5 37. As a patient of Defendants USC and DOES 1 through 500, Plaintiff JANE KF DOE
6 was under TYNDALL’s direct supervision, control and care, which created a special, confidential,
7 and fiduciary relationship between Plaintiff JANE KF DOE and TYNDALL. Because of such
8 relationship, TYNDALL owed Plaintiff a duty of care. Additionally, as the employers and
9 supervisors of TYNDALL with knowledge that he was in contact with and providing medical care
10 to female patients, Defendants USC and DOES 1 through 500 were also in a special, confidential,
11 and fiduciary relationship with Plaintiff JANE KF DOE, owing Plaintiff JANE KF DOE a duty of
12 care.

13 38. By employing TYNDALL and assigning him as the sole full-time gynecologist
14 with regular availability at Defendant USC’s Student Health Center, Defendants USC and DOES
15 1 through 500 represented to its students, and the community, that TYNDALL was safe,
16 trustworthy, and of high moral and ethical repute, such that patients need not worry about having
17 TYNDALL interact with, and provide care to, those patients. Defendants did so in order to
18 preserve their own public image and reputation, so they could retain past students and recruit new
19 patients, thus allowing donations and other financial support to continue flowing into their coffers
20 for financial gain.

21 39. Plaintiff JANE KF DOE is informed and believes, and on that basis alleges, that
22 Defendants knew or should have known that TYNDALL had engaged in unlawful sexually
23 abusive conduct in the past, and/or was continuing to engage in such conduct. Defendants had a
24 duty to disclose these facts to Plaintiff JANE KF DOE and others, but negligently and/or
25 intentionally suppressed, concealed or failed to disclose this information. The duty to disclose this
26 information arose by the special, trusting, confidential, fiduciary relationship between Defendants
27 and Plaintiff JANE KF DOE. Specifically, the Defendant USC knew that TYNDALL was
28 groping, digitally penetrating, and otherwise sexually harassing patients and young female

1 students in isolation with those patients and students, based on the following:

2 a. In approximately 2013, JANE KF DOE, had her first gynecological
3 appointment at USC's Student Health Center. The purpose of the visit was simply to seek birth
4 control. TYNDALL, as the only full-time gynecologist with regular availability employed by
5 USC's Student Health Center, was assigned to be JANE KF DOE's treating physician. She had
6 never had a full pelvic exam before this visit to TYNDALL for birth control.

7 b. An appointment for birth control does not require pelvic exam, but
8 TYNDALL insisted that JANE KF DOE subject herself to a full pelvic examination. He asked if
9 she wants to be tested for sexually-transmitted diseases. She replied she was married. He rolled
10 his eyes and then insisted that she undergo a pelvic examination. He insisted on staying in the
11 room while JANE KF DOE took off her pants (leaving her basically naked from the waist down)
12 and put on a gown. TYNDALL conducted the pelvic examination. He actively touched her
13 vagina in unusual and weird ways. He palpated her lower stomach with his fingers inside her.

14 c. During the course of the pelvic examination, TYNDALL made sexually
15 explicit, inappropriate, embarrassing, and humiliating comments to JANE KF DOE. While
16 TYNDALL's hands were in or around JANE KF DOE's vagina area, he encouraged JANE KF
17 DOE to be promiscuous, suggesting she will eventually divorce her husband or cheat on him with
18 other men because there is so much "deliciousness" in the world. He was touching her labia when
19 he made these sexual comments. He insisted she get an HPV vaccine to counteract her future
20 promiscuity and sexual relations with men other than her husband. He asked her if the bikini wax
21 she recently received changed the sensation of sex for her. He further insisted that JANE KF DOE
22 undergo a gratuitous breast exam even though she was still in her 20s and had no risk of breast
23 cancer. While JANE KF DOE had her shirt on, he slipped his hands underneath her shirt and
24 touched the flesh of her boobs, cupping them with his hands.

25 d. Plaintiff JANE KF DOE is informed and believes, and on this basis alleges,
26 that TYNDALL's sexually explicit statements were designed to shame, humiliate, and control
27 Plaintiff JANE KF DOE so that she would be silenced, and therefore would not repeat the
28 comment or report TYNDALL's sexually abusive conduct to any other person, so that TYNDALL

1 could continue to sexually abuse the young female students of USC with impunity. Plaintiff
2 JANE KF DOE is informed and believes, and on that basis alleges, that TYNDALL's sexually
3 explicit statements while he was sexually abusing her were for his own sexual gratification and to
4 satisfy his prurient desires. Plaintiff JANE KF DOE is informed and believes, and on this basis
5 alleges, that TYNDALL touched her vagina in a rough manner solely to inflict pain upon JANE
6 KF DOE, in order to satisfy his own sexual desires.

7 e. In reasonable reliance upon Defendant USC's representations that
8 TYNDALL was a trustworthy physician, Defendant USC's active concealment of its knowledge
9 that TYNDALL was a serial sexual predator, Plaintiff JANE KF DOE reasonably believed that
10 TYNDALL's treatment of her must have been medically legitimate. Plaintiff JANE KF DOE also
11 had no medical training or experience with which to gauge whether TYNDALL's conduct was, in
12 fact, sexual abuse, such that she was blamelessly ignorant of the fact that she had been sexually
13 abused by TYNDALL. It was only in May of 2018, when TYNDALL's rampant sexual abuse of
14 the young female student-patients of Defendant USC was nationally publicized by the media, that
15 JANE KF DOE came to learn that TYNDALL's treatment of her was never legitimate medical
16 treatment, but rather was sexual assault, committed for his own sexual gratification.

17 **FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS BY JANE AN DOE**

18 40. At all times material hereto, Plaintiff JANE AN DOE was a student at USC and
19 was under Defendants USC, TYNDALL's, and DOES 1 through 500's complete control,
20 dominion, and supervision. TYNDALL worked for, was employed by, and/or an agent/servant of
21 the Defendants USC and/or DOES 1 through 500, when TYNDALL came into contact with the
22 Plaintiff JANE AN DOE.

23 41. Plaintiff is informed and believes, and on this basis alleges, that at all times
24 material hereto, TYNDALL was under the direct supervision, management, agency and control of
25 Defendants USC and DOES 1 through 500, inclusive. Plaintiff is informed and believes, and on
26 this basis alleges, that TYNDALL was hired, employed, supervised, and retained by Defendant
27 USC, and DOES 1 through 500. In this capacity, TYNDALL's employment duties included
28 providing gynecological care to the young female students of Defendant USC. The purported care

1 offered by TYNDALL included, but was not limited to, conducting gynecological examinations to
2 the female patients of Defendants USC and DOES 1 through 500, which included Plaintiff JANE
3 AN DOE. Plaintiff JANE AN DOE was a student at USC and was a patient of Defendant USC's
4 Student Health Center, TYNDALL, and DOES 1 through 500, and it is under these circumstances
5 that Plaintiff JANE AN DOE came to be under the direction and control of TYNDALL who used
6 his position of authority and trust to molest and sexually abuse Plaintiff JANE AN DOE .

7 42. As a patient of Defendants USC and DOES 1 through 500, Plaintiff JANE AN
8 DOE was under TYNDALL's direct supervision, control and care, which created a special,
9 confidential, and fiduciary relationship between Plaintiff JANE AN DOE and TYNDALL.
10 Because of such relationship, TYNDALL owed Plaintiff a duty of care. Additionally, as the
11 employers and supervisors of TYNDALL with knowledge that he was in contact with and
12 providing medical care to female patients, Defendants USC and DOES 1 through 500 were also in
13 a special, confidential, and fiduciary relationship with Plaintiff JANE AN DOE, owing Plaintiff
14 JANE AN DOE a duty of care.

15 43. By employing TYNDALL and assigning him as the sole full-time gynecologist
16 with regular availability at Defendant USC's Student Health Center, Defendants USC and DOES
17 1 through 500 represented to its students, and the community, that TYNDALL was safe,
18 trustworthy, and of high moral and ethical repute, such that patients need not worry about having
19 TYNDALL interact with, and provide care to, those patients. Defendants did so in order to
20 preserve their own public image and reputation, so they could retain past students and recruit new
21 patients, thus allowing donations and other financial support to continue flowing into their coffers
22 for financial gain.

23 44. Plaintiff JANE AN DOE is informed and believes, and on that basis alleges, that
24 Defendants knew or should have known that TYNDALL had engaged in unlawful sexually
25 abusive conduct in the past, and/or was continuing to engage in such conduct. Defendants had a
26 duty to disclose these facts to Plaintiff JANE AN DOE and others, but negligently and/or
27 intentionally suppressed, concealed or failed to disclose this information. The duty to disclose this
28 information arose by the special, trusting, confidential, fiduciary relationship between Defendants

1 and Plaintiff JANE AN DOE. Specifically, the Defendant USC knew that TYNDALL was
2 groping, digitally penetrating, and otherwise sexually harassing patients and young female
3 students in isolation with those patients and students, based on the following:

4 a. In approximately 2008, JANE AN DOE, had her first gynecological
5 appointment at USC's Student Health Center. TYNDALL, as the only full-time gynecologist with
6 regular availability employed by USC's Student Health Center, was assigned to be JANE AN
7 DOE's treating physician.

8 b. JANE AN DOE sought treatment because she had been a victim of a sexual
9 assault off campus while a student at USC the night before and a tampon was lodged deep inside
10 of her by the perpetrator. JANE AN DOE saw TYNDALL for medical gynecological treatment
11 related to her recent traumatic assault and to help her remove the tampon from inside her vagina.
12 During the appointment, TYNDALL made sexually explicit comments about her sexual assault,
13 demeaning her and making her feel ashamed. He told her it "looks like you had fun last night"
14 while performing the tampon extraction and touched her roughly throughout the process.
15 Specifically, he touched her vagina more roughly than any other gynecologist since then. His
16 flippant attitude toward her sexual assault resulted in silencing JANE AN DOE and suppressing
17 any questions or requests, including a request for a rape kit. TYNDALL never asked JANE AN
18 DOE if she was a victim of sexual assault, leading to concealment of the incident of assault of a
19 USC student and the suppression of that information from the state, local, and university
20 authorities.

21 c. During the course of the pelvic examination, TYNDALL made sexually
22 explicit, assaultive, inappropriate, embarrassing, and humiliating comments to JANE AN DOE.
23 He told her it "looks like you had fun last night" while performing the tampon extraction and
24 touched her roughly throughout the process.

25 d. Plaintiff JANE AN DOE is informed and believes, and on this basis alleges,
26 that TYNDALL's sexually explicit statements were designed to shame, humiliate, and control
27 Plaintiff JANE AN DOE so that she would be silenced, and therefore would not repeat the
28 comment or report TYNDALL's sexually abusive conduct to any other person, so that TYNDALL

1 could continue to sexually abuse the young female students of USC with impunity. Plaintiff
2 JANE AN DOE is informed and believes, and on that basis alleges, that TYNDALL's sexually
3 explicit statements while he was sexually abusing her were for his own sexual gratification and to
4 satisfy his prurient desires. Plaintiff JANE AN DOE is informed and believes, and on this basis
5 alleges, that TYNDALL touched her vagina in a rough manner solely to inflict pain upon JANE
6 AN DOE, in order to satisfy his own sexual desires.

7 e. In reasonable reliance upon Defendant USC's representations that
8 TYNDALL was a trustworthy physician, Defendant USC's active concealment of its knowledge
9 that TYNDALL was a serial sexual predator, and the fact that a USC-employed chaperone
10 observed the examination and said nothing, Plaintiff JANE AN DOE reasonably believed that
11 TYNDALL's treatment of her must have been medically legitimate. Plaintiff JANE AN DOE also
12 had no medical training or experience with which to gauge whether TYNDALL's conduct was, in
13 fact, sexual abuse, such that she was blamelessly ignorant of the fact that she had been sexually
14 abused by TYNDALL. It was only in May of 2018, when TYNDALL's rampant sexual abuse of
15 the young female student-patients of Defendant USC was nationally publicized by the media, that
16 JANE AN DOE came to learn that TYNDALL's treatment of her was never legitimate medical
17 treatment, but rather was sexual assault, committed for his own sexual gratification.

18 **FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS BY GOMEZ**

19 45. At all times material hereto, Plaintiff GOMEZ was an undergraduate student at
20 USC and was under Defendants USC, TYNDALL's, and DOES 1 through 500's complete control,
21 dominion, and supervision. TYNDALL worked for, was employed by, and/or an agent/servant of
22 the Defendants USC and/or DOES 1 through 500, when TYNDALL came into contact with the
23 Plaintiff GOMEZ.

24 46. Plaintiff is informed and believes, and on this basis alleges, that at all times
25 material hereto, TYNDALL was under the direct supervision, management, agency and control of
26 Defendants USC and DOES 1 through 500, inclusive. Plaintiff is informed and believes, and on
27 this basis alleges, that TYNDALL was hired, employed, supervised, and retained by Defendant
28 USC, and DOES 1 through 500. In this capacity, TYNDALL's employment duties included

1 providing gynecological care to the young female students of Defendant USC. The purported care
2 offered by TYNDALL included, but was not limited to, conducting gynecological examinations to
3 the female patients of Defendants USC and DOES 1 through 500, which included Plaintiff
4 GOMEZ. Plaintiff GOMEZ was a student at USC and was a patient of Defendant USC's Student
5 Health Center, TYNDALL, and DOES 1 through 500, and it is under these circumstances that
6 Plaintiff GOMEZ came to be under the direction and control of TYNDALL who used his position
7 of authority and trust to molest and sexually abuse Plaintiff GOMEZ.

8 47. As a patient of Defendants USC and DOES 1 through 500, Plaintiff GOMEZ was
9 under TYNDALL's direct supervision, control and care, which created a special, confidential, and
10 fiduciary relationship between Plaintiff GOMEZ and TYNDALL. Because of such relationship,
11 TYNDALL owed Plaintiff a duty of care. Additionally, as the employers and supervisors of
12 TYNDALL with knowledge that he was in contact with and providing medical care to female
13 patients, Defendants USC and DOES 1 through 500 were also in a special, confidential, and
14 fiduciary relationship with Plaintiff GOMEZ, owing Plaintiff GOMEZ a duty of care.

15 48. By employing TYNDALL and assigning him as the sole full-time gynecologist
16 with regular availability at Defendant USC's Student Health Center, Defendants USC and DOES
17 1 through 500 represented to its students, and the community, that TYNDALL was safe,
18 trustworthy, and of high moral and ethical repute, such that patients need not worry about having
19 TYNDALL interact with, and provide care to, those patients. Defendants did so in order to
20 preserve their own public image and reputation, so they could retain past students and recruit new
21 patients, thus allowing donations and other financial support to continue flowing into their coffers
22 for financial gain.

23 49. Plaintiff GOMEZ is informed and believes, and on that basis alleges, that
24 Defendants knew or should have known that TYNDALL had engaged in unlawful sexually
25 abusive conduct in the past, and/or was continuing to engage in such conduct. Defendants had a
26 duty to disclose these facts to Plaintiff GOMEZ and others, but negligently and/or intentionally
27 suppressed, concealed or failed to disclose this information. The duty to disclose this information
28 arose by the special, trusting, confidential, fiduciary relationship between Defendants and Plaintiff

1 GOMEZ. Specifically, the Defendant USC knew that TYNDALL was groping, digitally
2 penetrating, and otherwise sexually harassing patients and young female students in isolation with
3 those patients and students, based on the following:

4 a. In approximately 2014, GOMEZ had her first-ever gynecological
5 appointment at USC's Student Health Center. TYNDALL, as the only full-time gynecologist with
6 regular availability employed by USC's Student Health Center, was assigned to be GOMEZ's
7 treating physician.

8 b. GOMEZ sought treatment for cramps she was experiencing. TYNDALL
9 insisted on conducting a vaginal exam during the appointment. He performed the vaginal exam
10 roughly using multiple fingers and without lubricant, causing GOMEZ great pain. While
11 performing the vaginal exam, he made sexually explicit comments and innuendo. He asked if she
12 was a runner because "her vagina was tight." He asked if she had a boyfriend and how frequently
13 she had sex.

14 c. Plaintiff GOMEZ is informed and believes, and on this basis alleges, that
15 TYNDALL's sexually explicit statements were designed to shame, humiliate, and control Plaintiff
16 GOMEZ so that she would be silenced, and therefore would not repeat the comment or report
17 TYNDALL's sexually abusive conduct to any other person, so that TYNDALL could continue to
18 sexually abuse the young female students of USC with impunity. Plaintiff GOMEZ is informed
19 and believes, and on that basis alleges, that TYNDALL's sexually explicit statements while he was
20 sexually abusing her were for his own sexual gratification and to satisfy his prurient desires.
21 Plaintiff GOMEZ is informed and believes, and on this basis alleges, that TYNDALL touched her
22 vagina in a rough manner solely to inflict pain upon GOMEZ, in order to satisfy his own sexual
23 desires.

24 d. In reasonable reliance upon Defendant USC's representations that
25 TYNDALL was a trustworthy physician, Defendant USC's active concealment of its knowledge
26 that TYNDALL was a serial sexual predator, and the fact that a USC-employed chaperone
27 observed the examination and said nothing, Plaintiff GOMEZ reasonably believed that
28 TYNDALL's treatment of her must have been medically legitimate. Plaintiff GOMEZ also had

1 no medical training or experience with which to gauge whether TYNDALL's conduct was, in fact,
2 sexual abuse, such that she was blamelessly ignorant of the fact that she had been sexually abused
3 by TYNDALL. It was only in May of 2018, when TYNDALL's rampant sexual abuse of the
4 young female student-patients of Defendant USC was nationally publicized by the media, that
5 GOMEZ came to learn that TYNDALL's treatment of her was never legitimate medical treatment,
6 but rather was sexual assault, committed for his own sexual gratification.

7 **FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS BY JANE TH DOE**

8 50. At all times material hereto, Plaintiff JANE TH DOE was a student at USC and
9 was under Defendants USC, TYNDALL's, and DOES 1 through 500's complete control,
10 dominion, and supervision. TYNDALL worked for, was employed by, and/or an agent/servant of
11 the Defendants USC and/or DOES 1 through 500, when TYNDALL came into contact with the
12 Plaintiff JANE TH DOE.

13 51. Plaintiff is informed and believes, and on this basis alleges, that at all times
14 material hereto, TYNDALL was under the direct supervision, management, agency and control of
15 Defendants USC and DOES 1 through 500, inclusive. Plaintiff is informed and believes, and on
16 this basis alleges, that TYNDALL was hired, employed, supervised, and retained by Defendant
17 USC, and DOES 1 through 500. In this capacity, TYNDALL's employment duties included
18 providing gynecological care to the young female students of Defendant USC. The purported care
19 offered by TYNDALL included, but was not limited to, conducting gynecological examinations to
20 the female patients of Defendants USC and DOES 1 through 500, which included Plaintiff JANE
21 TH DOE. Plaintiff JANE TH DOE was a student at USC and was a patient of Defendant USC's
22 Student Health Center, TYNDALL, and DOES 1 through 500, and it is under these circumstances
23 that Plaintiff GOMEZ came to be under the direction and control of TYNDALL who used his
24 position of authority and trust to molest and sexually abuse Plaintiff JANE TH DOE.

25 52. As a patient of Defendants USC and DOES 1 through 500, Plaintiff JANE TH
26 DOE was under TYNDALL's direct supervision, control and care, which created a special,
27 confidential, and fiduciary relationship between Plaintiff JANE TH DOE and TYNDALL.
28 Because of such relationship, TYNDALL owed Plaintiff a duty of care. Additionally, as the

1 employers and supervisors of TYNDALL with knowledge that he was in contact with and
2 providing medical care to female patients, Defendants USC and DOES 1 through 500 were also in
3 a special, confidential, and fiduciary relationship with Plaintiff JANE TH DOE, owing Plaintiff
4 JANE TH DOE a duty of care.

5 53. By employing TYNDALL and assigning him as the sole full-time gynecologist
6 with regular availability at Defendant USC's Student Health Center, Defendants USC and DOES
7 1 through 500 represented to its students, and the community, that TYNDALL was safe,
8 trustworthy, and of high moral and ethical repute, such that patients need not worry about having
9 TYNDALL interact with, and provide care to, those patients. Defendants did so in order to
10 preserve their own public image and reputation, so they could retain past students and recruit new
11 patients, thus allowing donations and other financial support to continue flowing into their coffers
12 for financial gain.

13 54. Plaintiff JANE TH DOE is informed and believes, and on that basis alleges, that
14 Defendants knew or should have known that TYNDALL had engaged in unlawful sexually
15 abusive conduct in the past, and/or was continuing to engage in such conduct. Defendants had a
16 duty to disclose these facts to Plaintiff JANE TH DOE and others, but negligently and/or
17 intentionally suppressed, concealed or failed to disclose this information. The duty to disclose this
18 information arose by the special, trusting, confidential, fiduciary relationship between Defendants
19 and Plaintiff JANE TH DOE. Specifically, the Defendant USC knew that JANE TH DOE was
20 groping, digitally penetrating, and otherwise sexually harassing patients and young female
21 students in isolation with those patients and students, based on the following:

22 a. In approximately 2001, JANE TH DOE had her first gynecological
23 appointment at USC's Student Health Center. TYNDALL, as the only full-time gynecologist with
24 regular availability employed by USC's Student Health Center, was assigned to be JANE TH
25 DOE's treating physician.

26 b. At the time JANE TH DOE was not sexually active. However, TYNDALL
27 insisted that JANE TH DOE undergo a pap smear and vaginal examination. TYNDALL digitally
28 penetrated her vagina. He made sexually explicit and inappropriate comments. While performing

1 the vaginal examination, he asked if she wanted him to show her how to masturbate properly. He
2 commented on her legs and asked her if she was a runner because she had the legs of a runner.

3 c. Plaintiff JANE TH DOE is informed and believes, and on this basis alleges,
4 that TYNDALL's sexually explicit statements were designed to shame, humiliate, and control
5 Plaintiff JANE TH DOE so that she would be silenced, and therefore would not repeat the
6 comment or report TYNDALL's sexually abusive conduct to any other person, so that TYNDALL
7 could continue to sexually abuse the young female students of USC with impunity. Plaintiff
8 JANE TH DOE is informed and believes, and on that basis alleges, that TYNDALL's sexually
9 explicit statements while he was sexually abusing her were for his own sexual gratification and to
10 satisfy his prurient desires.

11 d. In reasonable reliance upon Defendant USC's representations that
12 TYNDALL was a trustworthy physician, Defendant USC's active concealment of its knowledge
13 that TYNDALL was a serial sexual predator, and the fact that a USC-employed chaperone
14 observed the examination and said nothing, Plaintiff JANE TH DOE reasonably believed that
15 TYNDALL's treatment of her must have been medically legitimate. Plaintiff JANE TH DOE also
16 had no medical training or experience with which to gauge whether TYNDALL's conduct was, in
17 fact, sexual abuse, such that she was blamelessly ignorant of the fact that she had been sexually
18 abused by TYNDALL. It was only in May of 2018, when TYNDALL's rampant sexual abuse of
19 the young female student-patients of Defendant USC was nationally publicized by the media, that
20 JANE TH DOE came to learn that TYNDALL's treatment of her was never legitimate medical
21 treatment, but rather was sexual assault, committed for his own sexual gratification.

22 **FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS BY ALL PLAINTIFFS**

23 55. Plaintiffs are informed and believe, and on that basis allege, that while Plaintiffs
24 were young female students and patients of Defendants USC and DOES 1 through 500,
25 Defendants engaged in a pattern and practice of ignoring complaints, failing to investigate sexual
26 harassment and abuse complaints, deliberately concealing information from abuse victims, and
27 contributed to a sexually hostile environment on campus at Defendant USC. 84. It is upon
28 information, and therefore belief, that Defendants USC and DOES 1 through 500 had history and

1 systemic problem in properly handling sexual harassment and sexual abuse allegations. This
2 pattern and practice was evidenced by, *inter alia*, the U.S. Department of Education’s 2013
3 investigation of Defendant USC’s handling of numerous rape cases, during which over 100 USC
4 students came forward to complain of Defendant USC’s “gross mishandling” of those rape cases.
5 Furthermore, Plaintiffs are informed and believe, and on that basis allege, that the numerous
6 complaints lodged against TYNDALL that were actively concealed by Defendant

7 56. Defendant USC had – and continues to have – a culture of ignoring, minimizing
8 and sanitizing complaints from sexual abuse victims. By Defendant USC’s own admission, in the
9 course of its 2016 investigation of complaints against TYNDALL, “a review of files kept by Dr.
10 Larry Neinstein, a former health center director from 1995-2014 (who is now deceased), showed
11 earlier patient complaints about TYNDALL, including complaints about his clinical practice. The
12 files contained eight complaints logged between 2000 and 2014 that were concerning.” Even more
13 egregiously, a patient lodged a written complaint against TYNDALL in 1988, before TYNDALL
14 was hired as a full-time gynecologist, yet Defendant USC still hired TYNDALL as a gynecologist
15 at its Student Health Center the following year. Despite the fact that TYNDALL’s direct
16 supervisor, Dr. Neinstein, possessed documented complaints against TYNDALL dating back to
17 the year 2000, and that other complaints dating back to at least 1988 also existed, Defendant USC
18 continued to allow TYNDALL to retain his position, thereby granting him unfettered sexual
19 access to its young female students.

20 57. Plaintiffs are informed and believe, and on that basis allege, that Defendants knew,
21 or should have known, of TYNDALL’s propensity and disposition to engage in sexual misconduct
22 with young female patients before he sexually abused and molested Plaintiffs, and knew of the
23 probability that he would molest students and patients with whom he came into contact, including
24 but not limited to Plaintiffs. Namely, by Defendant USC’s own admission, numerous documented
25 complaints were lodged with Defendant USC regarding TYNDALL’s sexually abusive behavior,
26 which Plaintiffs now know date back to at least the year 1988. Moreover, Plaintiffs are informed
27 and believe that, virtually every time TYNDALL sexually abused a patient student at Defendant
28 USC’s Medical Center or Student Health Clinic, a USC-employed chaperone was present,

1 witnessing the sexual abuse yet doing nothing to intervene.

2 58. Defendants failed to implement reasonable safeguards to avoid acts of unlawful
3 sexual conduct by TYNDALL in the future, including avoiding placement of TYNDALL in a
4 position where contact and interaction with vulnerable patients and students is an inherent
5 function. Defendants ignored and suppressed the past sexual misconduct TYNDALL had engaged
6 in.

7 59. Plaintiffs are informed and believe, and on that basis allege, that Defendants were
8 apprised, knew or should have known and/or were put on notice of TYNDALL's past sexual
9 abuse of young female students, past complaints and/or investigations, and his propensity and
10 disposition to engage in such unlawful activity and unlawful sexual activity with patients, such
11 that Defendants knew or should have known that TYNDALL would commit wrongful sexual acts
12 with young female patients, including Plaintiffs. Plaintiffs are informed and believe, and on that
13 basis allege, that personnel and/or employment records and other records of Defendants' reflect
14 numerous incidents of inappropriate sexual contact and conduct with patients by TYNDALL and
15 other professionals, employees, assistants, agents, supervisors and others, on the physical premises
16 of such Defendants. Based on these records, Defendants knew and/or should have known of
17 TYNDALL's history of sexual abuse, past claims and/or past investigations, and his propensity
18 and disposition to engage in unlawful activity and unlawful sexual activity with patients, such that
19 Defendants knew or should have known that TYNDALL would commit wrongful sexual acts with
20 those patients, including Plaintiffs.

21 60. Because of the relationship between Plaintiffs and Defendants, Defendants had an
22 obligation and duty under the law not to hide material facts and information about TYNDALL's
23 past, and his deviant sexual behavior and propensities. Additionally, Defendants had an
24 affirmative duty to inform, warn, and institute appropriate protective measures to safeguard
25 patients who were reasonably likely to come in contact with TYNDALL. Defendants willfully
26 refused to notify, give adequate warning and implement appropriate safeguards, thereby creating
27 the peril that ultimately damaged Plaintiffs.

28 61. California *Penal Code* § 11160(a)(2) provides: "Any health practitioner employed

1 in a health facility, clinic, physician’s office, local or state public health department, or a clinic or
2 other type of facility operated by a local or state public health department who, in his or her
3 professional capacity or within the scope of his or her employment provides medical services for a
4 physical condition to a patient whom he or she knows or reasonably suspects is a person described
5 as follows, shall immediately make a report in accordance with subdivision (b): Any person
6 suffering from any wound or other physical injury inflicted upon the person where the injury is the
7 result of assaultive or abusive conduct.” *Penal Code* § 11160(b) mandates that such reports be
8 made to a local law enforcement agency by telephone, “immediately or as soon as is practicable,”
9 and by written report “within two working days of receiving the information regarding the
10 person.” By and through its health practitioner employees and/or agents, Defendant USC
11 repeatedly violated the foregoing *Penal Code* provisions by failing to report TYNDALL to law
12 enforcement each time it witnessed and/or received reports of TYNDALL committing a sexual
13 assault or battery on a female patient. Furthermore, Defendant USC has deliberately attempted to
14 conceal its recurring failures to comply with *Penal Code* § 11160 by publicly and falsely claiming
15 that it had no legal duty to report TYNDALL’s sexually abusive behavior to law enforcement.

16 62. Additionally, Defendant USC’s own Code of Conduct mandates that “no faculty
17 member may commit sexual assault, defined as any physical sexual act (including, but not limited
18 to, actual or attempted intercourse, sexual touching, fondling, or groping) perpetrated upon a
19 person.” Defendant USC’s own Code of Ethics further states: “At the University of Southern
20 California, ethical behavior is predicated on two main pillars: a commitment to discharging our
21 obligations to others in a fair and honest manner, and a commitment to respecting the rights and
22 dignity of all persons. As faculty, staff, students, and trustees, we each bear responsibility not only
23 for the ethics of our own behavior, but also for building USC’s stature as an ethical institution.” In
24 direct contravention of their own Codes, Defendant USC actively concealed TYNDALL’s
25 sexually abusive behavior for nearly thirty years, thereby exposing Plaintiffs to his sexual assault,
26 harassment and molestation.

27 63. Plaintiffs are informed and believe, and on that basis allege, that as part of
28 Defendants' conspiratorial and fraudulent attempt to hide TYNDALL’s propensity to sexually

1 abuse and molest young female students and patients, and prior sexual misconduct with patients,
2 from public scrutiny and criminal investigation, Defendants implemented various measures
3 designed to make TYNDALL's conduct harder to detect and ensure that other patients and
4 students with whom he came into contact, such as Plaintiffs, would be sexually abused, including:

5 a. Permitting TYNDALL to remain in a position of authority and trust after
6 Defendants knew or should have known that he molested his young female patients;

7 b. Placing TYNDALL in a separate and secluded environment, at Defendant
8 USC and DOES 1 through 500, which granted him unfettered access and control over patients
9 even when he was purporting to conduct extremely sensitive gynecological treatment, thereby
10 allowing TYNDALL to physically and sexually interact with the young female students of USC,
11 including Plaintiffs;

12 c. Failing to disclose and actively concealing TYNDALL's prior record of
13 misconduct, sexual abuse, harassment and molestation and his propensity to commit such acts
14 towards students and patients in Defendants USC and DOES 1 through 500's Student Health
15 Center, from its students, the public at large, and law enforcement;

16 d. Allowing TYNDALL to have unfettered and un-controlled access to young
17 female patients, including the Plaintiffs;

18 e. Holding out TYNDALL to Plaintiffs, other patients at Defendants USC and
19 DOES 1 through 500, the alumni members of the Trojan family, and the public at large as a
20 trustworthy and honest person of high ethical and moral repute who was capable and worthy of
21 being granted unsupervised access to the student patients of Defendants USC and DOES 1 through
22 500;

23 f. Failing to investigate or otherwise confirm or deny such facts about
24 TYNDALL, including prior complaints, claims and investigations for sexual abuse;

25 g. Failing to inform, and actively concealing from Plaintiffs and law
26 enforcement officials the fact that Plaintiffs and others were or may have been sexually abused,
27 harassed and molested, after Defendants knew or should have known TYNDALL may have
28 sexually abused Plaintiffs or others, thereby enabling Plaintiffs to continue to be endangered and

1 sexually abused, harassed, molested, and/or creating the circumstance where Plaintiffs and others
2 were less likely to receive proper medical treatment, thus exacerbating the harm to Plaintiffs;

3 h. Holding out TYNDALL to Plaintiffs and to the community as being in good
4 standing and trustworthy;

5 i. Cloaking TYNDALL's prior sexual misconduct with student patients within
6 the facade of normalcy, thereby disguising the nature of his sexual abuse and contact with young
7 female patients;

8 j. Failing to take reasonable steps and to implement reasonable safeguards to
9 avoid acts of unlawful sexual conduct by TYNDALL such as avoiding placement of TYNDALL
10 in functions or environments in which his intimate contact with young female patients was
11 inherent;

12 k. Failing to put in place a system or procedure to supervise or monitor
13 physicians, chaperones, and agents to insure they do not molest or abuse patients in Defendants'
14 care, and that they further report all reasonable suspicions of sexual assault and battery to law
15 enforcement pursuant to *Penal Code* § 11160.

16 64. By his position within the Defendants' institutions, TYNDALL attained a position
17 of influence over Plaintiffs, and others. Defendants' conduct created a situation of peril that was
18 not, and could not, be appreciated by Plaintiffs. By virtue of Defendants' conspiratorial and
19 fraudulent conduct, and in keeping with their intent to fail to disclose and hide TYNDALL's past
20 and present conduct from the community, the Trojan family, the public at large and law
21 enforcement, Defendants allowed TYNDALL to remain in a position of influence where his
22 unsupervised or negligently supervised conduct with patients made the molestation and abuse of
23 those individuals, including the Plaintiffs, possible.

24 65. By his position within the Defendants' institutions, Defendants and TYNDALL
25 demanded and required that Plaintiffs respect TYNDALL in his position as the only full-time
26 gynecological physician with regular availability for Defendant USC and DOES 1 through 500. In
27 fact, Plaintiffs had no choice but to see TYNDALL, because TYNDALL was the only full-time
28 gynecologist with regular availability employed by Defendant USC's Student Health Center, such

1 that he was automatically assigned as each Plaintiff's treating physician each time they required
2 gynecological treatment. Indeed, several of Plaintiffs specifically requested appointments with a
3 gynecologist other than TYNDALL, but were told by Defendant USC that no other gynecologist
4 was available.

5 66. The sexual harassment and abuse of Plaintiffs by TYNDALL, outlined below, took
6 place while TYNDALL was a research assistant and gynecological physician employed, retained,
7 and supervised by Defendants USC, DOES 1 through 500, and Plaintiffs were students and
8 patients of Defendants USC and DOES 1 through 500, while TYNDALL was serving as an agent
9 and employee of Defendants in his capacity as a physician:

10 a. In his capacity as a physician with Defendants USC and DOES 1 through
11 500, TYNDALL was given custody and supervision of students and patients, including Plaintiffs.
12 TYNDALL used this position to coerce student patients to concede to his prurient sexual
13 demands, using his authority and position of trust to exploit them physically, sexually, and
14 emotionally;

15 b. As patients and students of Defendant USC, Plaintiffs came into contact
16 with TYNDALL, Defendants' USC and DOES 1 through 500's physician. Plaintiffs are informed
17 and believe TYNDALL would use the guise of gynecological care and treatment to normalize
18 intimate, inappropriate, and sexually abusive contact with Plaintiffs. During this period, Plaintiffs
19 were patients under TYNDALL's direct supervision and control.

20 c. Plaintiffs are informed and believe TYNDALL's physical and sexual abuse
21 of Plaintiffs commenced in or around 1990 and continued through in or around 2015. During this
22 period, Plaintiffs were students and patients under TYNDALL's, Defendants USC, and DOES 1
23 through 500's direct supervision and control. Using his position as a physician, TYNDALL would
24 interact with Plaintiffs under the guise of providing them care and treatments necessary for their
25 health and well-being. Under these circumstances, TYNDALL would, among other abusive acts,
26 force Plaintiffs to strip naked, grope their bare breasts and digitally penetrate their vaginas, in the
27 presence of other medical professional staff. Plaintiffs are informed and believe that TYNDALL's
28 sexual abuse, molestation, and harassment of Plaintiffs occurred on the premises of Defendants

1 USC and DOES 1 through 500.

2 d. During these occurrences, TYNDALL groped, penetrated, and otherwise
3 sexually abused Plaintiffs, under the guise of performing medical procedures, for TYNDALL's
4 own sexual gratification. TYNDALL would have the Plaintiffs remove all of their clothes and lay
5 on the treatment table naked. TYNDALL would then perform his acts of sexual abuse upon
6 Plaintiffs, in front of another medical professionals employed as chaperones by Defendant USC.

7 e. TYNDALL's sexual abuse and harassment of Plaintiffs was done for
8 TYNDALL's personal sexual gratification, and it annoyed, disturbed, irritated, and offended
9 Plaintiffs as it would have a reasonable person. Plaintiffs did not consent to the sexual abuse and
10 harassment by TYNDALL.

11 67. As set forth more fully herein above, TYNDALL did sexually abuse, harass and
12 molest Plaintiffs, who were student patients at the time of the acts at-issue. Plaintiffs are informed
13 and believe, and on that basis allege, that such conduct by TYNDALL was based upon Plaintiffs'
14 gender, and was done for TYNDALL's sexual gratification. These actions upon Plaintiffs were
15 performed by TYNDALL without the free consent of Plaintiffs.

16 68. During the period Plaintiffs were being sexually abused and harassed by
17 TYNDALL, Defendants had the authority and ability to prevent such abuse by removing
18 TYNDALL from his position as a research assistant and/or gynecological physician at Defendants
19 USC and DOES 1 through 500. They failed to do so, allowing the abuse to occur and to continue
20 unabated. Plaintiffs are informed and believe, and on that basis allege, that this failure was a part
21 of Defendants' conspiratorial plan and arrangement to conceal TYNDALL's wrongful acts, to
22 avoid and inhibit detection, to block public disclosure, to avoid scandal, to avoid the disclosure of
23 their tolerance of student-patient sexual molestation and abuse, to preserve a false appearance of
24 propriety, and to avoid investigation and action by public authority including law enforcement.
25 Such actions were motivated by a desire to protect the reputation of Defendants and protect the
26 monetary support of Defendants, while fostering an environment where such abuse could continue
27 to occur.

28 69. As a direct result of the sexual harassment and abuse of Plaintiffs by TYNDALL,

1 Plaintiffs have had difficulty in meaningfully interacting with others, including those in positions
2 of authority over Plaintiffs including physicians, supervisors, and superiors at work. Plaintiffs
3 have been limited in their ability to meaningfully interact with others due to the trauma of this
4 molestation and abuse. This inability to interact creates conflict with Plaintiffs' values of trust and
5 confidence in others, and has caused Plaintiffs substantial emotional distress, anxiety, nervousness
6 and fear. As a direct result of the sexual abuse and molestation by TYNDALL, Plaintiffs suffered
7 immensely, including, but not limited to, encountering issues with a lack of trust, various negative
8 psychological and emotional sequelae, depressive symptoms, eating disorders, anxiety, and
9 nervousness. Further, TYNDALL's sexual abuse of Plaintiffs has so deeply traumatized Plaintiffs,
10 and damaged Plaintiffs' trust in health care professionals, that Plaintiffs have avoided seeking
11 necessary medical treatment by gynecologists, to the detriment of their health and physical well-
12 being.

13 70. As a direct and proximate result of Defendants' tortious acts, omissions, wrongful
14 conduct and breaches of their duties, Plaintiffs' employment and professional development has
15 been adversely affected. Plaintiffs have lost wages and will continue to lose wages in an amount to
16 be determined at trial. Plaintiffs have suffered substantial economic injury, all to Plaintiffs'
17 general, special and consequential damage in an amount to be proven at trial, but in no event less
18 than the minimum jurisdictional amount of this Court.

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

25 72. As is set forth herein, Defendants and each of them have failed to uphold numerous
26 mandatory duties required of them by state and federal law, as well as their own internal written
27 policies and procedures, including but not limited to:

28 a. Duty of health care professionals to report reasonable suspicions of sexual

- 1 abuse to law enforcement, pursuant to *Penal Code* § 11160;
- 2 b. Duty to use reasonable care to protect participants and members from
- 3 known or foreseeable dangers;
- 4 c. Duty to protect participants and members and staff, and provide adequate
- 5 supervision;
- 6 d. Duty to ensure that any direction given to participants and members is
- 7 lawful, and that adults act fairly, responsible and respectfully towards participants and members;
- 8 e. Duty to properly train staff so that they are aware of their individual
- 9 responsibility for creating and maintaining a safe environment;
- 10 f. Duty to review the criminal history of applicants and current employees;
- 11 g. Duty to provide diligent supervision over patients;
- 12 h. Duty to act promptly and diligently and not ignore or minimize problems.
- 13 i. Duty to report suspected incidents of sexual abuse.
- 14 73. Defendants and each of them had and have a duty to protect students and patients,
- 15 including Plaintiffs. Defendants were required to, and failed, to provide adequate supervision, and
- 16 failed to be properly vigilant in seeing that supervision was sufficient at Defendants USC and
- 17 DOES 1 through 500 to ensure the safety of Plaintiffs and others.
- 18 74. Despite having a duty to do so, Defendants failed to adequately train and supervise
- 19 all staff to create a positive and safe environment, specifically including training to perceive,
- 20 report and stop inappropriate sexual conduct by other members of the staff, specifically including
- 21 TYNDALL and young female students and patients. In particular, the USC-employed chaperones
- 22 who were responsible for ensuring that TYNDALL did not sexually abuse his young female
- 23 patients during examinations deliberately flouted this duty. Chaperones would routinely comply
- 24 with TYNDALL's request to leave the examination room, thereby allowing TYNDALL unfettered
- 25 access to sexually abuse his young female patients. In other cases, chaperones would deliberately
- 26 look away from TYNDALL while he was sexually abusing his patients or – perhaps even more
- 27 egregiously – would watch the abuse yet remain silent. Moreover, Defendant USC's chaperones
- 28 failed to report or investigate myriad complaints from patients that TYNDALL had sexually

1 abused them over the years.

2 75. Defendants failed to enforce their own rules and regulations designed to protect the
3 health and safety of its students and patients. Further, they failed to adopt and implement safety
4 measures, policies and procedures designed to protect patients, such as Plaintiffs from the sexually
5 exploitive and abusive acts of their agents and employees such as TYNDALL.

6 76. In subjecting Plaintiffs to the wrongful treatment herein described, Defendants
7 TYNDALL, USC and DOES 1 through 500 acted willfully and maliciously with the intent to
8 harm Plaintiffs, and in conscious disregard of Plaintiffs' rights, so as to constitute malice and/or
9 oppression under California *Civil Code* section 3294. Plaintiffs are informed, and on that basis
10 allege, that specifically, the Defendants acted in concert, and under their authority as an
11 educational institution and medical provider, with reckless disregard for the concern of the
12 student-patients in its charge, in order to further financially benefit its business's growth. The
13 Defendants acted intentionally in creating an environment that harbored molesters, put its
14 vulnerable patients and young students at-risk of harm, ignored clear warning signs and their
15 duties to report sexual abusers and molesters in their ranks, to maintain a façade of normalcy, in
16 order to maintain its funding and provide further financial growth of Defendants USC and DOES
17 1 through 500, on the international level. The safety of the student-patients that were entrusted to
18 Defendants USC and DOES 1 through 500 and was compromised due to Defendants desire to
19 maintain the status quo of the Defendants USC and DOES 1 through 500 organizations, to
20 continue to enjoy the financial support of the alumni of the Trojan family, and avoid any public
21 scrutiny for their misconduct. Plaintiffs are informed, and on that basis allege, that these willful,
22 malicious, and/or oppressive acts, as alleged herein above, were ratified by the officers, directors,
23 and/or managing agents of the Defendants. Plaintiffs are therefore entitled to recover punitive
24 damages, in an amount to be determined by the court, against Defendants TYNDALL, USC and
25 DOES 1 through 500.

26 **STATUTES OF LIMITATIONS**

27 77. Plaintiffs were each sexually abused by TYNDALL on Defendant USC's campus
28 from in or around 1990 to in or around 2015, while Plaintiffs were patients and/or students at

1 Defendant USC. Several Plaintiffs were sexually abused by TYNDALL while a chaperone
2 employed by Defendant USC witnessed the abuse and did nothing to intervene, and Defendant
3 USC actively concealed numerous complaints of TYNDALL's sexually abusive behavior in order
4 to deceive Plaintiffs into believing that his sexual abuse was a legitimate medical treatment.
5 Indeed, [Plaintiffs] both attempted to report TYNDALL's misconduct to Defendant USC by
6 lodging complaints against TYNDALL, yet were led to believe that their complaints were without
7 merit, because no one from Defendant USC contacted either Plaintiff about her complaint, or
8 otherwise took action against or investigated TYNDALL. Then, in or around June of 2017,
9 Defendant USC paid TYNDALL a financial settlement in exchange for his quiet resignation, in
10 order to continue to conceal TYNDALL's sexually abusive nature from the public and thereby
11 insulate itself from civil liability. For all of the foregoing reasons, each Plaintiff's statute of
12 limitations was equitably tolled and Defendants USC and Does 1 through 500 are equitably
13 estopped from asserting the statute of limitations as a defense. Defendants USC's employees and
14 DOES 1 through 500 acted wrongfully in ignoring and actively concealing myriad complaints of
15 sexual misconduct lodged against TYNDALL, and further breached numerous mandatory duties
16 owed to Plaintiffs by holding TYNDALL out as a safe, legitimate medical professional and failing
17 to warn Plaintiffs of TYNDALL's proclivity to sexually abuse young female patients. Moreover,
18 Plaintiffs were coerced into not talking about the abusive acts they endured by the threatening and
19 coercive actions of Tyndall, who placed them under duress and imminent fear, and only came
20 forward once the coercive nature of his acts subsided, due to Defendant USC's and the media's
21 revelation of his pattern of misconduct and the subsequent police investigation allowing such
22 victims, including Plaintiffs, to come forward without fear of retribution by Defendants USC and
23 TYNDALL.

24 78. Furthermore, Plaintiffs were led to believe that TYNDALL's sexual abuse was not,
25 in fact, sexual abuse, but rather was legitimate gynecological treatment, due to the fact that a USC-
26 employed chaperone witnessed the sexual abuse yet did nothing to intervene. Plaintiffs were
27 young women at the time they were sexually abused by TYNDALL, and had no knowledge, or
28 training in what legitimate gynecological examinations were, in comparison to TYNDALL's

1 purported treatments. Indeed, several of the Plaintiffs had never had any sort of gynecological
2 treatment before their appointments with TYNDALL, and therefore had no prior experience
3 whatsoever with which to compare TYNDALL’s purported treatment. Furthermore, Plaintiffs
4 were not, and are not, medical professionals and have no specialized medical training, and thus did
5 not and could not have reasonably discovered their abuse at an earlier date than they did. As such,
6 they were blamelessly ignorant of the true facts related to their abuse until it was revealed in May
7 of 2018, because it was not until May of 2018, when the allegations of sexual misconduct against
8 TYNDALL received national media attention and became public knowledge, that Plaintiffs knew
9 or had reason to know that their claims against Defendants USC, TYNDALL and DOES 1 through
10 500 had accrued. Thus, the Plaintiffs’ claims accrued in or around May of 2018.

11 **FIRST CAUSE OF ACTION**

12 *(CIVIL CODE § 51)*

13 (Against Defendant TYNDALL, USC and DOES 1 through 500)

14 79. Plaintiffs re-allege and incorporate by reference herein each and every allegation
15 contained herein above as though fully set forth and brought in this cause of action.

16 80. The Plaintiffs’ civil rights were violated by Defendant USC, when Defendant USC,
17 through its agents, actors and employees, intentionally concealed complaints of sexual abuse,
18 molestation and harassment by TYNDALL from Plaintiffs. Plaintiffs had a right to be free from
19 gender discrimination, sexual molestation, abuse and harassment under the Unruh Civil Rights
20 Act.

21 81. The Defendants USC, TYNDALL, and DOES 1 through 500 were acting under the
22 color of their authority and in the scope of their employment, during the instances when the
23 Plaintiffs were students and/or patients at Defendant USC and DOES 1 through 500.

24 82. The Defendant USC denied Plaintiffs full and equal accommodations, advantages,
25 facilities, privileges and healthcare services because of their gender, by allowing TYNDALL
26 unfettered access to sexually abuse Plaintiffs, by and through his position of authority as the
27 Student Health Center’s sole full-time gynecologist with regular availability, by actively
28 concealing from Plaintiffs its knowledge that TYNDALL was a serial sexual predator.

1 88. Defendants' actions, as alleged herein, have had and will continue to interfere with
2 Plaintiffs' right to be free from gender discrimination in the form of sexual harassment in the
3 educational and collegiate setting, codified under 20 U.S.C. §1681. Furthermore, the Plaintiffs had
4 a right to have Defendant USC respond immediately and investigate their sexual assaults,
5 molestation and harassment by TYNDALL.

6 89. During Plaintiffs' time as patients and/or students at Defendant USC, Defendants
7 engaged in oppressive and unlawful tactics in ignoring, concealing, and ultimately suppressing the
8 Plaintiffs' complaints of being sexually abused by TYNDALL. Plaintiffs were threatened,
9 intimidated and coerced for reporting TYNDALL's sexually abusive conduct, by TYNDALL's
10 own intimidating and humiliating conduct, as well as the conspiratorial silence and inaction of
11 Defendant USC's chaperones. These intentional acts of concealment of TYNDALL's abusive
12 behavior violated the Plaintiffs' right to be free from discrimination on the basis of her gender,
13 under Title IX.

14 90. Furthermore, the Plaintiffs were deprived of Due Process of law, when various
15 complaints to Defendant USC employees failed to trigger any report, investigation, or other action
16 by Defendant USC, who was required to do so, both under its own policies and procedures, as
17 well as under Federal mandate by Title IX, and the Fourteenth Amendment. In addition, these
18 actions were contrary to Plaintiffs' civil rights guaranteed under the Constitution of the State of
19 California.

20 91. Defendants' wrongful conduct was intended to, and did successfully interfere with
21 Plaintiffs' Constitutional Rights to be free from gender discrimination and harassment, as well as
22 interfered with their rights of Due Process under the United States' Constitution, specifically the
23 Fifth and Fourteenth Amendments.

24 92. Defendants unlawfully and wrongfully used, or employed others to wrongfully use
25 threats, intimidation, harassment, violence, and coercion over Plaintiffs' person, to which
26 Plaintiffs had no relief except to submit to the Defendants' wrongful threats, intimidation,
27 harassment, violence, and coercion, which rendered Plaintiffs' submission involuntary.

28 93. Defendants' above-noted actions were the legal and proximate causes of physical,

1 psychological, emotional, and economic damages, and damage to the Plaintiffs, who have suffered
2 and continue to suffer to this day. The actions of Defendants have also resulted in Plaintiffs
3 incurring, and will require them to incur into the future, expenses for medical and psychological
4 treatment, therapy, and counseling.

5 94. As a result of the above-described conduct, Plaintiffs suffered and continue to
6 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
7 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
8 enjoyment of life; have suffered and continues to suffer and was prevented and will continue to be
9 prevented from performing daily activities and obtaining the full enjoyment of life; have and will
10 continue to sustain loss of earning capacity; and have incurred and will continue to incur expenses
11 for medical and psychological treatment, therapy, and counseling. Plaintiffs have also suffered
12 economic, vocational and employment losses, as well.

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

22 **THIRD CAUSE OF ACTION**

23 **(EDUCATION CODE §220)**

24 **(Against Defendants TYNDALL, USC and DOES 1 through 500)**

25 96. Plaintiffs re-allege and incorporate by reference herein each and every allegation
26 contained herein above as though fully set forth and brought in this cause of action.

27 97. Plaintiffs were harmed by being subjected to sexual abuse, harassment and
28 molestation at Defendants USC and DOES 1 through 500 because of the Plaintiffs’ gender and

1 Defendants are responsible for that harm.

2 98. The Plaintiffs suffered harassment that was so severe, pervasive, and offensive that
3 it effectively deprived Plaintiffs of the right of equal access to educational benefits and
4 opportunities.

5 99. Defendants had actual knowledge that this sexual harassment, abuse, and
6 molestation was occurring. Specifically, Defendant USC, by and through its employees, witnessed
7 TYNDALL's abuse firsthand, as it was witnessed by multiple USC-employed chaperones.
8 Further, Defendant USC received, and then actively suppressed and ignored, numerous complaints
9 of TYNDALL's sexual abuse, dating back to at least the year 1988.

10 100. In the face of this knowledge of sexual abuse, harassment, and molestation that was
11 being perpetrated upon the Plaintiffs, by TYNDALL, Defendants acted with deliberate
12 indifference towards responding to these alarms and preventing further abuse. Defendants allowed
13 TYNDALL to remain as a physician at Defendants USC and DOES 1 through 500, to sexually
14 harass, abuse and molest other patients. It was not until June of 2017 that Defendants allowed
15 TYNDALL to resign, with a monetary settlement, that TYNDALL's sexual abuse of young
16 female students of Defendant USC finally abated.

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

24 102. In subjecting the Plaintiffs to the wrongful treatment herein described, Defendants
25 USC, TYNDALL and DOES 1 through 500, acted willfully and maliciously with the intent to
26 harm Plaintiffs, and in conscious disregard of Plaintiffs' rights, so as to constitute malice and
27 oppression under California Civil Code section 3294. Plaintiffs are therefore entitled to the
28 recovery of punitive damages, in an amount to be determined by the court, against TYNDALL,

1 USC and DOES 1 through 500, in a sum to be shown according to proof.

2 **FOURTH CAUSE OF ACTION**

3 **(GENDER VIOLENCE)**

4 **(Against Defendant TYNDALL)**

5 103. Plaintiffs re-allege and incorporate by reference herein each and every allegation
6 contained herein above as though fully set forth and brought in this cause of action.

7 104. TYNDALL's acts committed against Plaintiffs, as alleged herein, including the
8 sexual harassment, molestation and abuse of the Plaintiffs constitutes gender violence and a form
9 of sex discrimination in that one or more of TYNDALL's acts would constitute a criminal offense
10 under state law that has as an element the use, attempted use, or threatened use of physical force
11 against the person of another, committed at least in part based on the gender of the victim, whether
12 or not those acts have resulted in criminal complaints, charges, prosecution, or conviction.

13 105. TYNDALL's acts committed against Plaintiffs, as alleged herein, including the
14 sexual harassment, molestation and abuse of the Plaintiffs constitutes gender violence and a form
15 of sex discrimination in that TYNDALL's conduct caused a physical intrusion or physical
16 invasion of a sexual nature upon Plaintiffs under coercive conditions, whether or not those acts
17 have resulted in criminal complaints, charges, prosecution, or conviction.

18 106. As a proximate result of TYNDALL's acts, Plaintiffs are entitled to actual
19 damages, compensatory damages, punitive damages, injunctive relief, any combination of those,
20 or any other appropriate relief. Plaintiffs are also entitled to an award of attorney's fees and costs
21 pursuant to *Civil Code* § 52.4, against TYNDALL.

22 **FIFTH CAUSE OF ACTION**

23 **(CIVIL CODE §51.9)**

24 **(Against Defendants USC and DOES 1 through 500)**

25 107. Plaintiffs re-allege and incorporate by reference herein each and every allegation
26 contained herein above as though fully set forth and brought in this cause of action.

27 108. During Plaintiffs' time as patients and/or students at Defendants USC and DOES 1
28 through 500, TYNDALL intentionally, recklessly and wantonly made sexual advances,

1 solicitations, requests, demands for sexual compliance of a hostile nature based on Plaintiffs'
2 gender that were unwelcome, pervasive and severe, including but not limited to TYNDALL
3 groping and fondling the Plaintiffs' breasts and vagina, all under the supervision of Defendants,
4 who were acting in the course and scope of their agency with Defendants and each of them.

5 109. The incidents of abuse outlined herein above took place while Plaintiffs were under
6 the control of TYNDALL and Defendants USC and DOES 1 through 500, in their capacity and
7 position as supervisors of physicians, medical professionals, and staff at Defendants USC and
8 DOES 1 through 500, and while acting specifically on behalf of Defendants.

9 110. During Plaintiffs' time as students at Defendants USC and DOES 1 through 500,
10 TYNDALL intentionally, recklessly and wantonly did acts which resulted in harmful and
11 offensive contact with intimate parts of Plaintiffs' persons, including but not limited to, using his
12 position of authority and age to force Plaintiffs to give into TYNDALL's sexual suggestions.

13 111. Because of Plaintiffs' relationships with TYNDALL and Defendants USC and
14 DOES 1 through 500, TYNDALL's status as the only full-time gynecologist with regular
15 availability employed by Defendant USC's Student Health Center, and Plaintiffs' young age as
16 students of Defendant USC, Plaintiffs were unable to easily terminate the relationship they had
17 with the Defendants.

18 112. Because of TYNDALL's age and position of authority, physical seclusion of the
19 Plaintiffs, Plaintiffs' mental and emotional state, and Plaintiffs' young age, Plaintiffs were unable
20 to, and did not and could not, give consent to such acts.

21 113. Even though the Defendants knew or should have known of these activities by
22 TYNDALL, Defendants did nothing to investigate, supervise or monitor TYNDALL to ensure the
23 safety of the student-patients in their charge.

24 114. Because of Plaintiffs' relationships with Defendants, as a student-patients of
25 Defendants, and Plaintiffs' young age, Plaintiffs were unable to easily terminate the doctor-patient
26 relationship they had with Defendants.

27 115. A corporation is a "person" within meaning of *Civil Code* section 51.9, which
28 subjects persons to liability for sexual harassment within a business, service or professional

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

5 116. Defendants' conduct (and the conduct of their agents) was a breach of their duties
6 to Plaintiffs.

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

14 **SIXTH CAUSE OF ACTION**

15 **(SEXUAL ASSAULT)**

16 **(Against Defendant TYNDALL)**

17 118. Plaintiffs re-allege and incorporate by reference herein each and every allegation
18 contained herein above as though fully set forth and brought in this cause of action.

19 119. TYNDALL, in doing the things herein alleged, including intending to subject
20 Plaintiffs to numerous instances of sexual abuse and molestation during Plaintiffs' time with
21 Defendants USC and DOES 1 through 500, beginning on or around 1990, and lasting for the
22 duration of Plaintiffs' tenure with these Defendants, in or around 2016, including but not limited
23 to instances of TYNDALL groping and penetrating the Plaintiffs' vaginas, all while TYNDALL
24 acted in the course and scope of his agency/employment with Defendants, and each of them and
25 were intended to cause harmful or offensive contact with Plaintiffs' persons, or intended to put
26 Plaintiffs in imminent apprehension of such contact.

27 120. In doing the things herein alleged, Plaintiffs were put in imminent apprehension of
28 a harmful or offensive contact by TYNDALL and actually believed TYNDALL had the ability to

1 make harmful or offensive contact with Plaintiffs' person.

2 121. Plaintiffs did not consent to TYNDALL intended harmful or offensive contact with
3 Plaintiffs' persons, or intent to put Plaintiffs in imminent apprehension of such contact.

4 122. In doing the things herein alleged, TYNDALL violated Plaintiffs' right, pursuant to
5 *Civil Code* section 43, of protection from bodily restraint or harm, and from personal insult. In
6 doing the things herein alleged, TYNDALL violated his duty, pursuant to *Civil Code* section 1708,
7 to abstain from injuring the person of Plaintiffs or infringing upon their rights.

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

15 124. Plaintiffs are informed and based thereon alleges that the conduct of Defendants
16 was oppressive, malicious and despicable in that it was intentional and done in conscious
17 disregard for the rights and safety of others, and were carried out with a conscious disregard of
18 their right to be free from such tortious behavior, such as to constitute oppression, fraud or malice
19 pursuant to California *Civil Code* section 3294, entitling Plaintiffs to punitive damages against
20 Defendants in an amount appropriate to punish and set an example of Defendants.

21 **SEVENTH CAUSE OF ACTION**

22 **(SEXUAL BATTERY: *Civil Code* § 1708.5)**

23 **(Against Defendant TYNDALL)**

24 125. Plaintiffs re-allege and incorporate by reference herein each and every allegation
25 contained herein above as though fully set forth and brought in this cause of action.

26 126. During Plaintiffs' time as patients and/or students with Defendants USC and DOES
27 1 through 500, TYNDALL intentionally, recklessly and wantonly did acts which were intended to,
28 and did result in harmful and offensive contact with intimate parts of Plaintiffs' persons, including

1 but not limited to being subjected to numerous instances of sexual abuse by TYNDALL, during
2 Plaintiffs' time with Defendants USC and DOES 1 through 500, beginning on or around 1990, and
3 lasting for the duration of Plaintiffs' tenure with Defendants USC and DOES 1 through 500, in or
4 around 2016, including but not limited to instances of TYNDALL groping and fondling the
5 Plaintiffs' vaginas, all while TYNDALL acted in the course and scope of his agency/employment
6 with Defendants, and each of them.

7 127. TYNDALL did the aforementioned acts with the intent to cause a harmful or
8 offensive contact with an intimate part of Plaintiffs' persons, and would offend a reasonable sense
9 of personal dignity. Further, said acts did cause a harmful or offensive contact with an intimate
10 part of Plaintiffs' persons that would offend a reasonable sense of personal dignity.

11 128. Because of TYNDALL's position of authority over Plaintiffs, and Plaintiffs'
12 mental and emotional state, and Plaintiffs' young age, Plaintiffs did not give meaningful consent
13 to such acts.

14 129. As a direct, legal and proximate result of the acts of TYNDALL, Plaintiffs
15 sustained serious and permanent injuries to their persons, all of his damage in an amount to be
16 shown according to proof and within the jurisdiction of the Court.

17 130. As a direct result of the sexual abuse by TYNDALL, Plaintiffs have difficulty in
18 reasonably or meaningfully interacting with others, including those in positions of authority over
19 Plaintiffs including teachers, and supervisors, and in intimate, confidential and familial
20 relationships, due to the trauma of the sexual abuse inflicted upon them by Defendants. This
21 inability to interact creates conflict with Plaintiffs' values of trust and confidence in others, and
22 has caused Plaintiffs substantial emotional distress, anxiety, nervousness and fear. As a direct
23 result of the sexual abuse and molestation by TYNDALL, Plaintiffs suffered immensely,
24 including, but not limited to, encountering issues with a lack of trust, various psychological
25 sequelae, depressive symptoms, anxiety, nervousness, and self-medicating behavior.

26 131. Plaintiffs are informed and based thereon alleges that the conduct of TYNDALL
27 was oppressive, malicious and despicable in that it was intentional and done in conscious
28 disregard for the rights and safety of others, and were carried out with a conscious disregard of her

1 right to be free from such tortious behavior, such as to constitute oppression, fraud or malice
2 pursuant to California *Civil Code* section 3294, entitling Plaintiffs to punitive damages against
3 TYNDALL in an amount appropriate to punish and set an example of TYNDALL.

4 **EIGHTH CAUSE OF ACTION**

5 **(BUSINESS & PROFESSIONS CODE §17200)**

6 **(Against Defendants USC, TYNDALL and DOES 1 through 500)**

7 132. Plaintiffs re-allege and incorporate by reference herein each and every allegation
8 contained herein above as though fully set forth and brought in this cause of action.

9 133. Plaintiffs are informed and believe and on that basis allege that TYNDALL and
10 Defendants USC and DOES 1 through 500 have engaged in unlawful, unfair and deceptive
11 business practices including allowing TYNDALL to engage in repeated harassment of student-
12 patients, including Plaintiffs, and failing to take all reasonable steps to prevent harassment and
13 abuse from occurring. The unlawful, unfair and deceptive business practices also included failing
14 to adequately investigate, vet, and evaluate individuals for employment with Defendants USC and
15 DOES 1 through 500, refusing to design, implement, and oversee policies regarding sexual
16 harassment and abuse of student-patients in a reasonable manner that is customary in similar
17 educational environments. Plaintiffs are informed and believe and on that basis allege that
18 TYNDALL and Defendants USC and DOES 1 through 500, have engaged in unlawful, unfair and
19 deceptive business practices including concealing sexual harassment, abuse and/or molestation
20 claims by student and/or patients, such as Plaintiffs, so as to retain other similarly situated
21 individuals within Defendants USC and DOES 1 through 500 who were not apprised of such illicit
22 sexual misconduct by TYNDALL.

23 134. Plaintiffs are informed and believes that Defendants engaged in a common scheme,
24 arrangement or plan to actively conceal allegations against sexual abusers who were employees,
25 agents, members, and/or participants at Defendants USC and DOES 1 through 500, including
26 TYNDALL, such that Defendants USC and DOES 1 through 500 could maintain their public
27 image, and avoid detection of such abuse and abusers. Plaintiffs are informed and believe and
28 thereon allege that Defendants actively concealed these allegations, such that Defendants would be

1 insulated from public scrutiny, governmental oversight, and/or investigation from various law
2 enforcement agencies, all done in order to maintain the false sense of safety for participants and
3 their families and to perpetuate the program financially.

4 135. By engaging in unlawful, unfair and deceptive business practices, TYNDALL and
5 Defendants USC and DOES 1 through 500 benefitted financially to the detriment of its
6 competitors, who had to comply with the law. 164. Unless restrained, Defendants USC and DOES
7 1 through 500 will continue to engage in the unfair acts and business practices described above,
8 resulting in great and irreparable harm to Plaintiffs and/or other similarly situated participants and
9 members.

10 136. Plaintiffs seek restitution for all amounts improperly obtained by TYNDALL and
11 Defendants USC and DOES 1 through 500 through the use of the above-mentioned unlawful
12 business practices, as well as the disgorgement of all ill-gotten gains and restitution on behalf of
13 Plaintiffs and all other similarly situated student-patients who were also subjected to the
14 TYNDALL and Defendants USC and DOES 1 through 500 illegal and unfair business practices.

15 137. Pursuant to section 17203 of the California *Business and Professions Code* and
16 available equitable powers, Plaintiffs are entitled to a preliminary and permanent injunction,
17 enjoining TYNDALL, Defendants USC and DOES 1 through 500 from continuing the unlawful
18 and unfair business practices described above. Further, Plaintiffs seek the appointment of a court
19 monitor to enforce its orders regarding client safety. In addition, Plaintiffs are entitled to recover
20 reasonable attorneys' fees pursuant to the California *Business and Professions Code* and section
21 1021.5 of the *California Code of Civil Procedure*.

22 **NINTH CAUSE OF ACTION**

23 **(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)**

24 **(Against Defendants USC, TYNDALL and DOES 1 through 500)**

25 138. Plaintiffs re-allege and incorporate by reference herein each and every allegation
26 contained herein above as though fully set forth and brought in this cause of action.

27 139. Defendants TYNDALL, USC and DOES 1 through 500's conduct toward
28 Plaintiffs, as described herein, was outrageous and extreme.

1 140. A reasonable person would not expect or tolerate the sexual harassment,
2 molestation and abuse of Plaintiffs by TYNDALL, and Defendants' knowledge and callous
3 indifference thereof. Plaintiffs had great trust, faith and confidence in in Defendants, which, by
4 virtue of TYNDALL and Defendants' wrongful conduct, turned to fear.

5 141. A reasonable person would not expect or tolerate Defendants putting TYNDALL
6 who was known to Defendants to have physically and sexually abused other student-patients, in a
7 position of care of Plaintiffs and other patients, which enabled TYNDALL to have access to other
8 patients so that he could commit wrongful sexual acts, including the conduct described herein,
9 with young female students, including Plaintiffs. Plaintiffs had great trust, faith and confidence in
10 Defendants, which, by virtue of Defendants' wrongful conduct, turned to fear.

11 142. A reasonable person would not expect or tolerate the Defendants and their agents to
12 be incapable of supervising and/or stopping participants and members of Defendants, including
13 TYNDALL, from committing wrongful sexual acts with other patients, including Plaintiffs, or to
14 supervise TYNDALL. Plaintiffs had great trust, faith and confidence in Defendants, which, by
15 virtue of Defendants' wrongful conduct, turned to fear.

16 143. Defendants' conduct described herein was intentional and malicious and done for
17 the purpose of causing or with the substantial certainty that Plaintiffs would suffer humiliation,
18 mental anguish, and emotional and physical distress.

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

26 145. In subjecting Plaintiffs to the wrongful treatment herein described, Defendants
27 TYNDALL, USC and DOES 1 through 500 acted willfully and maliciously with the intent to
28 harm Plaintiffs, and in conscious disregard of Plaintiffs' rights, so as to constitute malice and/or

1 oppression under California *Civil Code* section 3294. Plaintiffs are informed, and on that basis
2 alleges, that these willful, malicious, and/or oppressive acts, as alleged herein above, were ratified
3 by the officers, directors, and/or managing agents of the Defendants. Plaintiffs are therefore
4 entitled to recover punitive damages, in an amount to be determined by the court, against
5 TYNDALL, USC and DOES 1 through 500.

6 **TENTH CAUSE OF ACTION**

7 **(CONSTRUCTIVE FRAUD)**

8 **(Against Defendants USC, TYNDALL and DOES 1 through 500)**

9 146. Plaintiffs re-allege and incorporate by reference herein each and every allegation
10 contained herein above as though fully set forth and brought in this cause of action.

11 147. By holding TYNDALL out as an agent of Defendants, and by allowing him to
12 undertake the medical care of young patients such as Plaintiffs, Defendants entered into a
13 confidential, fiduciary, and special relationship with Plaintiffs.

14 148. By holding themselves out as a preeminent collegiate facility, thereby enticing
15 Plaintiffs to attend Defendant USC as undergraduate and graduate students, Defendants entered
16 into a confidential, fiduciary and special relationship with Plaintiffs.

17 149. Defendants breached their confidential, fiduciary duty and special duties to
18 Plaintiffs by the wrongful and negligent conduct described above and incorporated into this cause
19 of action, and in so doing, gained an advantage over Plaintiffs in matters relating to Plaintiffs'
20 safety, security and health. In particular, in breaching such duties as alleged, Defendants were able
21 to sustain their status as an institution of high moral repute, and preserve their reputation, all at the
22 expense of Plaintiffs' further injury and in violation of Defendants' mandatory duties.

23 150. By virtue of their confidential, fiduciary and special relationship with Plaintiffs,
24 Defendants owed Plaintiffs a duty to:

- 25 a. Investigate or otherwise confirm or deny such claims of sexual abuse;
26 b. Reveal such facts to Plaintiffs, the community at large, and law enforcement
27 agencies;
28 c. Refuse to place TYNDALL and other molesters in positions of trust and

1 authority within Defendants' institutions;

2 d. Refuse to hold out TYNDALL and other molesters to the public, the
3 community, parents and law enforcement agencies as being in good standing and, trustworthy in
4 keeping with him and his position as a physician, faculty member and authority figure;

5 e. Refuse to assign TYNDALL and other molesters to positions of power
6 within Defendants USC and DOES 1 through 500, and over young students; and

7 f. Disclose to Plaintiffs, the public, the school community, and law
8 enforcement agencies the wrongful, tortious, and sexually exploitive acts that TYNDALL had
9 engaged in with patients.

10 151. Defendants' breach of their respective duties included:

11 a. Not making reasonable investigations of TYNDALL;

12 b. Issuing no warnings about TYNDALL;

13 c. Permitting TYNDALL to routinely be supervised only by untrained
14 chaperones, who were consistently derelict in their duty to report TYNDALL's sexual abuse to
15 law enforcement;

16 d. Not adopting a policy to prevent TYNDALL from routinely having patients
17 and students in his unsupervised control;

18 e. Making no reports of any allegations of TYNDALL's abuse of students
19 prior to or during his employment and/or agency at Defendants USC and DOES 1 through 500;
20 and

21 f. Assigning and continuing to assign TYNDALL to duties which placed him
22 in positions of authority and trust over other student-patients, positions in which TYNDALL could
23 easily isolate and sexually abuse other student-patients.

24 g. Continuing to perpetrate the fraud that TYNDALL did not sexually abuse
25 his student-patients when, in June of 2017, Defendant USC allowed TYNDALL to resign quietly,
26 with a financial settlement, rather than reporting his sexually abusive conduct to law enforcement,
27 the Medical Board, and/or the patients he sexually abused, including Plaintiffs.

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

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

2 153. Defendants' misconduct did reasonably cause Plaintiffs to forbear on Plaintiffs'
3 rights.

4 154. The misrepresentations, suppressions and concealment of facts by Defendants were
5 intended to and were likely to mislead Plaintiffs and others to believe that Defendants had no
6 knowledge of any charges against TYNDALL, or that there were no other charges of unlawful or
7 sexual misconduct against TYNDALL or others and that there was no need for them to take
8 further action or precaution.

9 155. The misrepresentations, suppressions and concealment of facts by Defendants was
10 likely to mislead Plaintiffs and others to believe that Defendants had no knowledge of the fact that
11 TYNDALL was a molester, and was known to commit wrongful sexual acts with student-patients,
12 including Plaintiffs.

13 156. Defendants knew or should have known at the time they suppressed and concealed
14 the true facts regarding others' sexual molestations, that the resulting impressions were misleading.

15 157. Defendants suppressed and concealed the true facts regarding TYNDALL with the
16 purpose of: preventing Plaintiffs and others, from learning that TYNDALL and others had been
17 and were continuing to sexually harass, molest and abuse patients, TYNDALL and Defendants'
18 control, direction, and guidance, with complete impunity; inducing people, including Plaintiffs and
19 other benefactors and donors to participate and financially support Defendants' program and other
20 enterprises of Defendants; preventing further reports and outside investigations into TYNDALL
21 and Defendants' conduct; preventing discovery of Defendants' own conduct; avoiding damage to
22 the reputations of Defendants; protecting Defendants' power and status in the community;
23 avoiding damage to the reputation of Defendants, or Defendants' institutions; and avoiding the
24 civil and criminal liability of Defendants, of TYNDALL, and of others.

25 158. At all times mentioned herein, Defendants, and in particular Defendants
26 TYNDALL, USC and DOES 1 and DOES 1 through 500, with knowledge of the tortious nature of
27 their own and TYNDALL conduct, knowingly conspired and gave each other substantial
28 assistance to perpetrate the misrepresentations, fraud and deceit alleged herein—covering up the

1 past allegations of sexual misconduct lodged against TYNDALL, and allowing TYNDALL to
2 remain in his position as a physician, faculty member and doctor, so they could maintain their
3 reputations and continue with their positions within the organization.

4 159. Plaintiffs and others were misled by Defendants' suppressions and concealment of
5 facts, and in reliance thereon, were induced to act or induced not to act, exactly as intended by
6 Defendants. Specifically, Plaintiffs were induced to believe that there were no allegations of
7 criminal or sexual abuse against TYNDALL and that he was safe to be around patients. Had
8 Plaintiffs, and others, known the true facts about TYNDALL, they would have not participated
9 further in activities of Defendants, or continued to financially support Defendants' activities. They
10 would have reported the matters to the proper authorities, to other patients so as to prevent future
11 recurrences; they would not have allowed their children, including Plaintiffs, to be alone with, or
12 have any relationship with TYNDALL; they would not have allowed young female students,
13 including Plaintiffs, to attend or be under the control of Defendants; they would have undertaken
14 their own investigations which would have led to discovery of the true facts; and they would have
15 sought psychological counseling for Plaintiffs, and for other student-patients, who had been
16 abused by TYNDALL.

17 160. By giving TYNDALL the position of physician and faculty member, Defendants
18 impliedly represented that TYNDALL was safe and morally fit to give medical care and provide
19 gynecological treatment.

20 161. When Defendants made these affirmative or implied representations and
21 nondisclosures of material facts, Defendants knew or should have known that the facts were
22 otherwise. Defendants knowingly and intentionally suppressed the material facts that TYNDALL,
23 had on numerous, prior occasions sexually, physically, and mentally abused patients of
24 Defendants, including Plaintiffs, and knew of or learned of conduct, or should have known of
25 conduct by TYNDALL which placed Defendants on notice that TYNDALL had previously been
26 suspected of felonies, including unlawful sexual conduct with patients, and was likely sexually
27 abusing student-patients in his care.

28 162. Because of Plaintiffs' young age, and because of the status of TYNDALL as a

1 trusted, authority figure to Plaintiffs, Plaintiffs were vulnerable to TYNDALL. TYNDALL sought
2 Plaintiffs out, and was empowered by and accepted Plaintiffs' vulnerability. Plaintiffs'
3 vulnerability also prevented Plaintiffs from effectively protecting themselves from the sexual
4 advances of TYNDALL.

5 163. Defendants had the duty to obtain and disclose information relating to sexual
6 misconduct of TYNDALL.

7 164. Defendants misrepresented, concealed or failed to disclose information relating to
8 sexual misconduct of TYNDALL.

9 165. Defendants knew that they had misrepresented, concealed or failed to disclose
10 information related to sexual misconduct of TYNDALL.

11 166. Plaintiffs justifiably relied upon Defendants for information relating to sexual
12 misconduct of TYNDALL.

13 167. Defendants TYNDALL, USC and DOES 1, and DOES 1 through 500, in concert
14 with each other and with the intent to conceal and defraud, conspired and came to a meeting of the
15 minds whereby they would misrepresent, conceal or fail to disclose information relating to the
16 sexual misconduct of TYNDALL, the inability of Defendants to supervise or stop TYNDALL
17 from sexually harassing, molesting and abusing Plaintiffs, and their own failure to properly
18 investigate, supervise and monitor his conduct with patients.

19 168. By so concealing, Defendants committed at least one act in furtherance of the
20 conspiracy.

21 169. As a result of the above-described conduct, Plaintiffs have suffered and continue to
22 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
23 emotional distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss
24 of enjoyment of life; have suffered and continues to suffer and were prevented and will continue to
25 be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain
26 loss of earnings and earning capacity, and/or have incurred and will continue to incur expenses for
27 medical and psychological treatment, therapy, and counseling.

28 170. In addition, when Plaintiffs finally discovered the fraud of Defendants, and

1 continuing thereafter, Plaintiffs experienced recurrences of the above-described injuries. Plaintiffs
2 experienced extreme and severe mental anguish and emotional distress that Plaintiffs had been the
3 victim of Defendants' fraud; that Plaintiffs had not been able to help other young female patients
4 to avoid being molested because of the fraud, and that Plaintiffs had not been able because of the
5 fraud to receive timely medical treatment needed to deal with the problems Plaintiffs had suffered
6 and continues to suffer as a result of the sexual harassment, molestation and abuse.

7 171. In subjecting Plaintiffs to the wrongful treatment herein described, Defendants
8 TYNDALL, USC and DOES 1, and DOES 1 through 500 acted willfully and maliciously with the
9 intent to harm Plaintiffs, and in conscious disregard of Plaintiffs' rights, so as to constitute malice
10 and/or oppression under California *Civil Code* section 3294. Plaintiffs are informed, and on that
11 basis alleges, that these willful, malicious, and/or oppressive acts, as alleged herein above, were
12 ratified by the officers, directors, and/or managing agents of the Defendants. Plaintiffs are
13 therefore entitled to recover punitive damages, in an amount to be determined by the court, against
14 Defendants TYNDALL, USC and DOES 1, and DOES 1 through 500.

15 **ELEVENTH CAUSE OF ACTION**

16 **(NEGLIGENCE)**

17 **(Against Defendants USC and DOES 1 through 500)**

18 172. Plaintiffs re-allege and incorporate by reference herein each and every allegation
19 contained herein above as though fully set forth and brought in this cause of action.

20 173. Prior to and after the first incident of TYNDALL's sexual harassment, molestation
21 and abuse of Plaintiffs, through the present, Defendants, knew and/or should have known that
22 TYNDALL had and was capable of sexually, physically, and mentally abusing and harassing
23 Plaintiffs or other victims.

24 174. Defendants and each of them had special duties to protect the Plaintiffs and the
25 young patients, when such individuals were entrusted to Defendants' care. Plaintiffs' care, welfare
26 and physical custody was entrusted to Defendants. Defendants voluntarily accepted the entrusted
27 care of Plaintiffs. As such, Defendants owed Plaintiffs, young student- patients, a special duty of
28 care that adults and medical professionals dealing with vulnerable medical patients and young

1 students, owe to protect them from harm. The duty to protect and warn arose from the special,
2 trusting, confidential, and fiduciary relationship between Defendants and Plaintiffs.

3 175. Defendants breached their duties of care to the Plaintiffs by allowing TYNDALL to
4 come into contact with the Plaintiffs and other student-patients without effective supervision; by
5 failing to adequately hire, supervise and retain TYNDALL whom they permitted and enabled to
6 have access to Plaintiffs; by concealing from Plaintiffs, the public and law enforcement that
7 TYNDALL was sexually harassing, molesting and abusing patients,; and by holding TYNDALL
8 out to Plaintiffs as being of high moral and ethical repute, in good standing and trustworthy.

9 176. Defendants breached their duties to Plaintiffs by failing to investigate or otherwise
10 confirm or deny such facts of sexual abuse by TYNDALL, failing to reveal such facts to Plaintiffs,
11 the community and law enforcement agencies, and by placing TYNDALL into a position of trust
12 and authority, holding him out to Plaintiffs and the public as being in good standing and
13 trustworthy.

14 177. Defendants breached their duty to Plaintiffs by failing to adequately monitor and
15 supervise TYNDALL and failing to prevent TYNDALL from committing wrongful sexual acts
16 with medical patients, including Plaintiffs. Defendants' voluminous past records of sexual
17 misconduct by TYNDALL caused Defendants to know, or gave them information where they
18 should have known, of TYNDALL's incapacity to serve as a physician and faculty member at
19 Defendants' institutions, providing for the physical care of young females.

20 178. As a result of the above-described conduct, Plaintiffs have suffered and continue to
21 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
22 emotional distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss
23 of enjoyment of life; have suffered and continue to suffer and were prevented and will continue to
24 be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain
25 loss of earnings and earning capacity, and have incurred and will continue to incur expenses for
26 medical and psychological treatment, therapy, and counseling.

27
28

1 **TWELFTH CAUSE OF ACTION**

2 **(NEGLIGENT SUPERVISION)**

3 **(Against Defendants USC and DOES 1 through 500)**

4 179. Plaintiffs re-allege and incorporate by reference herein each and every allegation
5 contained herein above as though fully set forth and brought in this cause of action.

6 180. By virtue of Plaintiffs' special relationships with Defendants, and Defendants'
7 relation to TYNDALL, Defendants owed Plaintiffs a duty to provide reasonable supervision of
8 TYNDALL, to use reasonable care in investigating TYNDALL background, and to provide
9 adequate warning to Plaintiffs and other patients of TYNDALL dangerous propensities and
10 unfitness. As organizations and individuals responsible for, and entrusted with, the welfare of
11 patients, Defendants USC and DOES 1 through 500 had a duty to protect, supervise, and monitor
12 both the Plaintiffs from being preyed upon by sexual predators, and to supervise and monitor
13 TYNDALL such that he would not be placed in seclusion with vulnerable medical patients,
14 including the Plaintiffs.

15 181. As representatives of Defendants USC and DOES 1 through 500, where many of
16 the patients thereof are vulnerable young women entrusted to these Defendants, these Defendants'
17 agents expressly and implicitly represented that physicians, faculty and staff, including
18 TYNDALL, were not a sexual threat to those individuals and others who would fall under
19 TYNDALL influence, control, direction, and care.

20 182. Defendants, by and through their respective agents, servants and employees, knew
21 or should have known of TYNDALL dangerous and exploitive propensities and that TYNDALL
22 was an unfit agent. Despite such knowledge, Defendants negligently failed to supervise
23 TYNDALL in his position of trust and authority as a physician, faculty member and authority
24 figure over patients and young women, where he was able to commit wrongful acts of sexual
25 misconduct against Plaintiffs. Defendants failed to provide reasonable supervision of TYNDALL,
26 failed to use reasonable care in investigating TYNDALL, and failed to provide adequate warning
27 to Plaintiffs of TYNDALL dangerous propensities and unfitness. Defendants further failed to take
28 reasonable steps to ensure the safety of patients, including Plaintiffs, from sexual harassment,

1 molestation, and abuse.

2 183. At no time during the periods of time alleged did Defendants have in place a
3 reasonable system or procedure to investigate, supervise and monitor the physician, faculty
4 member or staff, including TYNDALL, to prevent pre-sexual grooming and sexual harassment,
5 molestation and abuse of those individuals, nor did they implement a system or procedure to
6 oversee or monitor conduct toward patients and others in Defendants' care.

7 184. Defendants were aware or should have been aware of how vulnerable medical
8 patients were to sexual harassment, molestation and abuse by physicians, doctors, faculty
9 members and other persons of authority within Defendants' entities.

10 185. Defendants were put on notice, knew and/or should have known that TYNDALL
11 had previously engaged and was continuing to engage in unlawful sexual conduct with minors,
12 patients and had committed other felonies, for his own personal sexual gratification, and that it
13 was foreseeable that he was engaging, or would engage in illicit sexual activities with Plaintiffs,
14 and others, under the cloak of the authority, confidence, and trust, bestowed upon him through
15 Defendants.

16 186. Defendants were placed on actual or constructive notice that TYNDALL had
17 molested other student-patients during his employment with Defendants. Defendants were
18 informed of molestations of patients committed by TYNDALL prior to Plaintiffs' sexual abuse,
19 and of conduct by TYNDALL that would put a reasonable person on notice of such propensity to
20 molest and abuse young female students.

21 187. Even though Defendants knew or should have known of these illicit sexual
22 activities by TYNDALL, Defendants did not reasonably investigate, supervise or monitor
23 TYNDALL to ensure the safety of the patients.

24 188. Defendants' conduct was a breach of their duties to Plaintiffs. 218. Defendants, and
25 each of them, breached their duty to Plaintiffs by, *inter alia*, by failing to adequately monitor and
26 supervise TYNDALL and stop TYNDALL from committing wrongful sexual acts with student-
27 patients, including Plaintiffs.

28 189. As a result of the above-described conduct, Plaintiffs have suffered and continue to

1 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
2 emotional distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss
3 of enjoyment of life; have suffered and continue to suffer and were prevented and will continue to
4 be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain
5 loss of earnings and earning capacity, and/or have incurred and will continue to incur expenses for
6 medical and psychological treatment, therapy, and counseling.

7 **NEGLIGENCE *PER SE*-CONDUCT IN VIOLATION OF MANDATED REPORTING**
8 **LAWS**

9 190. Under applicable law, Defendants, by and through their employees and agents,
10 were medical care providers and were under a statutory duty to report known or suspected
11 incidents of sexual molestation or abuse of student-patients or any individuals in their care to the
12 appropriate authorities, and not to impede the filing of any such report.

13 191. Defendants knew or should have known that their gynecological physician,
14 TYNDALL, and other staff of Defendants, had sexually molested, abused or caused touching,
15 battery, harm, and/or other injuries to young female students including Plaintiffs, giving rise to a
16 duty to report such conduct.

17 192. Defendants knew, or should have known, in the exercise of reasonable diligence,
18 that an undue risk to patients, including Plaintiffs, existed because Defendants did not comply
19 with mandatory reporting requirements.

20 193. By failing to report the continuing molestations and abuse by TYNDALL, which
21 Defendants knew or should have known about, and by ignoring the fulfillment of the mandated
22 compliance with the reporting requirements, Defendants created the risk and danger contemplated
23 by the applicable mandated reporting laws, and as a result, unreasonably and wrongfully exposed
24 Plaintiffs and other patients to sexual molestation and abuse.

25 194. Plaintiffs were members of the class of persons for whose protection applicable
26 mandated reporting laws were specifically adopted to protect.

27 195. Had Defendants adequately reported the molestation of Plaintiffs and other
28 patients, as required by applicable mandated reporting laws, further harm to Plaintiffs and other

1 individuals would have been avoided.

2 196. As a proximate result of Defendants' failure to follow the mandatory reporting
3 requirements, Defendants wrongfully denied Plaintiffs and other minors the intervention of law
4 enforcement and the appropriate authorities. Such public agencies would have changed the then
5 existing arrangements and conditions that provided the access and opportunities for the
6 molestation of Plaintiffs by TYNDALL.

7 197. The physical, mental, and emotional damages and injuries resulting from the sexual
8 molestation of Plaintiffs by TYNDALL, were the type of occurrence and injuries that the
9 applicable mandated reporting laws were designed to prevent.

10 198. As a result, Defendants' failure to comply with the mandatory reporting
11 requirements constituted a per se breach of Defendants' duties to Plaintiffs.

12 199. Defendants, and each of them, breached their duty to Plaintiffs by, inter alia, by
13 failing to adequately monitor and supervise TYNDALL and stop TYNDALL from committing
14 wrongful sexual acts with patients, including Plaintiffs.

15 200. As a result of the above-described conduct, Plaintiffs have suffered and continue to
16 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
17 emotional distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss
18 of enjoyment of life; have suffered and continue to suffer and was prevented and will continue to
19 be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain
20 loss of earnings and earning capacity, and/or have incurred and will continue to incur expenses for
21 medical and psychological treatment, therapy, and counseling.

22 **THIRTEENTH CAUSE OF ACTION**

23 **(NEGLIGENT HIRING/RETENTION)**

24 **(Against Defendants USC and DOES 1 through 500)**

25 201. Plaintiffs re-allege and incorporate by reference herein each and every allegation
26 contained herein above as though fully set forth and brought in this cause of action.

27 202. By virtue of Plaintiffs' special relationship with Defendants, and Defendants'
28 relation to TYNDALL, Defendants owed Plaintiffs a duty to not hire or retain, given his

1 dangerous and exploitive propensities, which Defendants knew or should have known about had
2 they engaged in a reasonable, meaningful and adequate investigation of her background prior to
3 his hiring or retaining her in subsequent positions of employment.

4 203. Defendants expressly and implicitly represented that the staff, physicians, and
5 faculty members, including TYNDALL, were not a sexual threat to student-patients and others
6 who would fall under TYNDALL influence, control, direction, and guidance.

7 204. At no time during the periods of time alleged did Defendants have in place a
8 reasonable system or procedure to investigate, supervise and monitor its Medical Center or
9 Student Health Center physicians and healthcare professionals, including TYNDALL, to prevent
10 pre-sexual grooming or sexual harassment, molestation and abuse of student-patients nor did they
11 implement a system or procedure to oversee or monitor conduct toward student-patients and/or
12 others in Defendants' care.

13 205. Defendants were aware or should have been aware and understand how vulnerable
14 young female students were to sexual harassment, molestation and abuse by faculty members,
15 physicians, and other persons of authority within the control of Defendants prior to Plaintiffs'
16 sexual abuse by TYNDALL.

17 206. Defendants were put on notice, and should have known that TYNDALL had
18 previously engaged and continued to engage in unlawful sexual conduct with student-patients, and
19 was committing other felonies, for his own personal gratification, and that it was, or should have
20 known it would have been foreseeable that he was engaging, or would engage in illicit sexual
21 activities with Plaintiffs, and others, under the cloak of his authority, confidence, and trust,
22 bestowed upon her through Defendants.

23 207. Defendants were placed on actual or constructive notice that TYNDALL had
24 molested or was molesting patients, both before his employment within Defendants, and during
25 that employment. Defendants had knowledge of inappropriate conduct and molestations
26 committed by TYNDALL before and during his employment, yet chose to allow him to remain
27 unsupervised where he sexually abused Plaintiffs.

28 208. Even though Defendants knew or should have known of these sexually illicit

1 activities by TYNDALL, Defendants failed to use reasonable care in investigating TYNDALL and
2 did nothing to reasonably investigate, supervise or monitor TYNDALL to ensure the safety of the
3 patients.

4 209. Defendants' conduct was a breach of their duties to Plaintiffs.

5 210. As a result of the above-described conduct, Plaintiffs have suffered and continue to
6 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
7 emotional distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss
8 of enjoyment of life; have suffered and continues to suffer and were prevented and will continue to
9 be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain
10 loss of earnings and earning capacity, and/or have incurred and will continue to incur expenses for
11 medical and psychological treatment, therapy, and counseling.

12 **FOURTEENTH CAUSE OF ACTION**

13 **(NEGLIGENT FAILURE TO WARN, TRAIN or EDUCATE)**

14 **(Against Defendants USC and DOES 1 through 500)**

15 211. Plaintiffs re-allege and incorporate by reference herein each and every allegation
16 contained herein above as though fully set forth and brought in this cause of action.

17 212. Defendants owed Plaintiffs a duty to take reasonable protective measures to protect
18 Plaintiffs and other student-patients from the risk of sexual harassment, molestation and abuse by
19 TYNDALL by properly warning, training or educating Plaintiffs and other about how to avoid
20 such a risk.

21 213. Defendants breached their duty to take reasonable protective measures to protect
22 Plaintiffs and other patients from the risk of sexual harassment, molestation and abuse by
23 TYNDALL, such as the failure to properly warn, train or educate Plaintiffs and other patients
24 about how to avoid such a particular risk that TYNDALL posed—of sexual misconduct.

25 214. Defendants breached their duty to take reasonable protective measures to protect
26 Plaintiffs and other patients from the risk of sexual harassment, molestation and abuse by
27 TYNDALL, by failing to supervise and stop employees of Defendants, including TYNDALL,
28 from committing wrongful sexual acts with student-patients, including Plaintiffs.

1 jury, up to three times the amount of damages but in no case less than four thousand dollars
2 (\$4,000), and any attorney's fees that may be determined by the court in addition thereto.

3 221. Defendants' conduct was a substantial motivating factor in causing Plaintiffs' harm.

4 **WHEREFORE**, Plaintiffs pray for a jury trial and for judgment against
5 Defendants as follows: **FOR ALL CAUSES OF ACTION**

6 1. For past, present and future non-economic damages in an amount to be determined
7 at trial;

8 2. For past, present and future special damages, including but not limited to past,
9 present and future lost earnings, economic damages and others, in an amount to be determined at
10 trial;

11 3. Any appropriate statutory damages;

12 4. For costs of suit;

13 5. Punitive damages, according to proof, though not as to the Negligence Causes of
14 Action (Causes of Action 12 through 16);

15 6. For interest based on damages, as well as pre-judgment and post-judgment interest
16 as allowed by law;

17 7. For attorney's fees pursuant to California *Code of Civil Procedure* sections 1021.5,
18 *et seq.*, 52, *et seq.*, 51, *et seq.*, or as otherwise allowable by law;

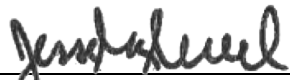
19 8. For declaratory and injunctive relief, including but not limited to court supervision
20 of Defendant USC; and

21 9. For such other and further relief as the Court may deem proper.

23 DATED: January 8, 2019

PANISH SHEA & BOYLE LLP

25 By:


26 _____
Jesse Creed
27 Attorneys for PLAINTIFFS