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Superior Court of California  
County of Los Angeles

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

SUSAN VAILL, an individual; ANGELIQUE STUBBLEFIELD, an individual; JANE DOE 20, an individual; ~~an individual~~ JANE DOE 21, an individual; JANE DOE 22, an individual; JANE DOE 23, an individual; JANE DOE 24, an individual; ANNA SHAKESHAFT, an individual; JANE DOE 25, an individual; JANE DOE 26, an individual; JANE DOE 27, an individual; JANE DOE 28, an individual.

Plaintiffs,

vs.

UNIVERSITY OF SOUTHERN CALIFORNIA, a corporation; GEORGE TYNDALL, M.D., an individual; and DOES 1 through 100, inclusive,

Defendants.

CASE NO: BC 716639

COMPLAINT FOR DAMAGES

1. SEXUAL BATTERY IN VIOLATION OF CAL. CIV. CODE § 1708.5

2. BATTERY

3. GENDER VIOLENCE IN VIOLATION OF CAL. CIV. CODE § 52.4

4. SEXUAL HARASSMENT IN VIOLATION OF CIVIL CODE §51.9

5. VIOLATION OF CALIFORNIA UNRUH CIVIL RIGHTS ACT [Civ. Code §51]

6. VIOLATION OF THE CALIFORNIA BANE ACT [Civ.

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- ) Code §52.1]
- )
- ) 7. SEXUAL HARASSMENT IN VIOLATION OF EDUCATION CODE §220
- )
- ) 8. NEGLIGENT HIRING AND RETENTION
- )
- ) 9. NEGLIGENT SUPERVISION
- )
- ) 10. FRAUDULENT MISREPRESENTATION
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- ) 11. NEGLIGENT MISREPRESENTATION
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- ) 12. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
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- ) 13. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
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- ) **JURY TRIAL DEMAND**
- )

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Plaintiffs SUSAN VAILL, ANGELIQUE STUBBLEFIELD, JANE DOE 20, JANE DOE 21, JANE DOE 22, JANE DOE 23, JANE DOE 24, ANNA SHAKESHAFT, JANE DOE 25, JANE DOE 26, JANE DOE 27, and JANE DOE 28, hereby allege as follows:

**GENERAL ALLEGATIONS**

1. Plaintiffs SUSAN VAILL, ANGELIQUE STUBBLEFIELD, JANE DOE 20, JANE DOE 21, JANE DOE 22, JANE DOE 23, JANE DOE 24, ANNA SHAKESHAFT, JANE DOE 25, JANE DOE 26, JANE DOE 27, and JANE DOE 28 at all relevant times mentioned herein resided in the County of Los Angeles, State of California.

2. Plaintiffs are informed and believe, and based thereon allege, that Defendant UNIVERSITY OF SOUTHERN CALIFORNIA. (hereinafter "USC") is, and at all times relevant herein was doing substantial business in the County of Los Angeles, State of California.

3. Plaintiffs are informed and believe, and based thereon allege that Defendant GEORGE TYNDALL, M.D. (hereinafter "Defendant Tyndall") is an individual who at all relevant times mentioned herein, was a physician residing in the County of Los Angeles, State of

1 California.

2 4. Plaintiffs are informed and believe, and based thereon allege that at all relevant  
3 times, each Defendant was the principal, agent, partner, joint venturer, officer, director, controlling  
4 shareholder, subsidiary, affiliate, parent corporation, successor in interest, and/or predecessor in  
5 interest of some or all of the other Defendants, and was engaged with some or all of the other  
6 Defendants in a joint enterprise for profit, and bore such other relationships to some or all of the  
7 other Defendants so as to be liable for their conduct with respect to the matters alleged below.

8 5. Plaintiffs are informed and believe, and based thereon allege that each Defendant  
9 acted pursuant to and within the scope of the relationships alleged above, that each Defendant  
10 knew or should have known about, and authorized, ratified, adopted, approved, controlled, and  
11 aided and abetted the conduct of all other Defendants.

12 6. Venue properly lies in the county of Los Angeles in that the Plaintiffs all resided in  
13 the county during the relevant times; all Defendants reside in this county' and that the conduct  
14 described herein was committed in this county.

15 7. The true names and capacities, whether individual, corporate, partnership, associate  
16 or otherwise, of Defendants sued herein as DOES 1 through 100, inclusive, are currently unknown  
17 to Plaintiffs, who therefore sue said Defendants by such fictitious names. Plaintiffs are informed  
18 and believe, and based thereon allege, that each of the Defendants designated herein as a DOE is  
19 legally responsible in some manner for the events and happenings referred to herein, and caused  
20 injury and damage proximately thereby to Plaintiffs as hereinafter alleged. Plaintiffs will seek  
21 leave of court to amend this Complaint to show the true names and capacities of the Defendants  
22 designated herein as DOES when the same have been ascertained. Whenever in this complaint  
23 reference is made to "Defendants," such allegation shall be deemed to mean the acts of Defendants  
24 acting individually, jointly, and/or severally.

25 8. Except as hereinafter specifically described, Defendants and each of them, are and  
26 were the agents of the other Defendants, and in acting as described herein were acting within the  
27 scope of their authority as agents thereof, and with the permission and consent of the other  
28 Defendants.

1 **FACTUAL ALLEGATIONS RELEVANT TO ALL PARTIES**

2 9. Plaintiffs herein were young students at Defendant USC when they were subjected  
3 to unlawful behavior by Defendant Tyndall, as described herein below. Many were inexperienced  
4 in the kinds of intimate examinations that gave rise to claims asserted herein.

5 10. Plaintiffs are informed and believe that Defendant Tyndall received his medical  
6 degree in 1985 from the Medical College of Pennsylvania. Plaintiffs are further informed and  
7 believe that in 1989 Defendant Tyndall completed his residency in Obstetrics and Gynecology at  
8 Kaiser Foundation Hospital in Los Angeles. Plaintiffs are further informed and believe that  
9 Defendant USC thereafter hired Defendant Tyndall as a full time Gynecologist at its Student  
10 Health Clinic.

11 11. Plaintiffs are informed and believe that in hiring Defendant Tyndall as its full time  
12 Gynecologist, Defendant USC gave Defendant Tyndall full power, control, and authority to treat  
13 and provide gynecological and reproductive medical care to its undergraduate and graduate  
14 students. By continuing to employ Defendant Tyndall without restricting his access to female  
15 patients, Defendant USC held Defendant Tyndall out to be a professional and legitimate  
16 gynecologist.

17 12. At all relevant times Defendant USC owned, operated, maintained, controlled and  
18 staffed its Student Health Center later known as the Engemann Student Health Center. Defendant  
19 USC promoted its Student Health Center as a safe place where the Students could obtain high  
20 quality medical treatment. Defendant USC states in its website:

21 "The Women's Health Team at Engemann Student Health Center provides caring,  
22 comprehensive, gynecologic care delivered by a team of specialists. Routine yearly  
23 visits for gynecologic care are available that include PAP smears if needed. Visit  
24 options include counseling and exams for STIs, minor vaginal concerns,  
25 contraception needs, breast issues, general women's health concerns, and pregnancy  
26 diagnosis. . . Routine gynecological examinations including pap smears, pelvic  
27 examinations and breast exams, are conducted by caring professionals experienced  
28 in women's health."

1           13.     Plaintiffs herein were young women attending USC, who paid for health services at  
2 USC. Defendant USC caused them to be directed to its Student Health Center for, among other  
3 things, gynecological care. The Student Health Center assigned these Plaintiffs to see Defendant  
4 Tyndall for examinations, treatment, and/or to obtain prescriptions. Many of the Plaintiffs had  
5 never before received any gynecological treatment before seeing Defendant Tyndall. Plaintiffs put  
6 their full trust and confidence in Defendant Tyndall, assuming that his conduct during the  
7 examinations and/or treatment was necessary and/or appropriate.

8           14.     At all relevant times, a special relationship arose among Defendants Tyndall and  
9 USC, acting on its own or through the Student Health Clinic, on one hand, and each Plaintiff, on  
10 the other hand, and the Defendants stood in the position of a fiduciary toward each of the  
11 Plaintiffs, by virtue of (1) the patient-health care provider relationship that arose, (2) the superior  
12 knowledge that the Defendants possessed with respect to standards of care and with respect to  
13 allegations against Defendant Tyndall, and (3) each Plaintiff's dependence upon the Defendants for  
14 information regarding their treatment. The fiduciary duties owed by Defendant USC to each  
15 Plaintiff included, among other things, a duty to make a full and fair disclosure to each Plaintiff of  
16 all facts which materially affected her rights and interests, and a duty to disclose to each Plaintiff  
17 the full extent of Defendant Tyndall's sexual conduct toward her and/or Defendant USC's errors,  
18 omissions and concealments relating to Defendant Tyndall's sexual misconduct. In addition, each  
19 Plaintiff had the right to make an informed decision about whether to subject herself to any  
20 treatment by Defendant Tyndall.

21           15.     Defendant USC failed to fulfill its fiduciary duty to disclose Defendant Tyndall's  
22 wrongful actions. That failure was willful, intentional, and in reckless disregard for the Plaintiffs'  
23 respective rights, feelings and well-being. That failure was the product of Defendant USC's selfish  
24 desire to promote or preserve its own reputation and revenues without regard for the plaintiffs  
25 rights, choice feelings.

26           16.     Plaintiffs are informed and believe that during Defendant Tyndall's almost 30 year  
27 employment with Defendant USC, Defendant Tyndall sexually battered, abused, molested,  
28 harassed and engaged in other unlawful behavior with young female students other than Plaintiffs,

1 who went to him for examinations and/or treatment.

2 17. Plaintiffs are informed and believe that Defendant USC knew or should have  
3 known of Defendant Tyndall's unlawful behavior towards the young female students since at least  
4 1990/1991, when female students/patients and/or Defendant USC employees complained about  
5 Defendant Tyndall conducting examinations and/or treatment in a sexually inappropriate manner.  
6 Plaintiffs are informed and believe that Defendant USC intentionally failed to take any appropriate  
7 action to protect female students from unlawful behavior by Defendant Tyndall in order to protect  
8 the reputation and revenues of the University and to avoid legal liability.

9 18. Plaintiffs are informed and believe that Defendant USC decided to conceal the fact  
10 that female students had complained about Defendant Tyndall in order to protect the revenues and  
11 reputation of the University and to avoid legal liability.

12 19. Plaintiffs are informed and believe that Defendants USC and Defendant Tyndall  
13 entered into a conspiracy, the object of which was to conceal the fact that students and/or  
14 Defendant USC employees had complained of sexually improper behavior by Defendant Tyndall;  
15 to conceal the fact that Defendant Tyndall was known to sexually batter female patients and to  
16 enable Defendant Tyndall to continue practicing medicine without restriction.

17 20. Plaintiffs are informed and believe that Defendants USC and Defendant Tyndall  
18 conspired to conceal Defendant USC's negligence in supervising Defendant Tyndall and acted in  
19 furtherance of that conspiracy.

20 21. In furtherance of that conspiracy, Defendant USC and Defendant Tyndall ensured  
21 that complaints of sexual misconduct or of suspected sexual misconduct by Defendant Tyndall  
22 toward female patients were either effectively ignored, inadequately investigated or falsely found  
23 to be without merit.

24 22. Over the years more complaints about Defendant Tyndall were made to Defendant  
25 USC. Plaintiffs are informed and believe that finally in or about 2016, Defendant USC conducted  
26 an investigation into allegations that Defendant Tyndall was engaging in sexually and racially  
27 unlawful behavior with the female students. Plaintiffs are informed and believe that USC was  
28 finally forced to act on the complaints against Defendant Tyndall. Among other things, Defendant

1 USC learned of Defendant Tyndall's sexually and racially unlawful behavior, and learned that  
2 Defendant Tyndall kept photographs of his student/patients' genitalia.

3 23. In furtherance of the above alleged conspiracy, Plaintiffs are informed and believe  
4 that rather than reporting Defendant Tyndall to any legal authorities and/or the California Medical  
5 Board, and/or to the "Trojan family," including Plaintiffs herein, Defendant USC sought to  
6 preserve its reputation as one of "the world's leading private research universities." Moreover, by  
7 failing to report Defendant Tyndall's unlawful behavior, Defendants USC and Defendant Tyndall  
8 were also insuring that the University's fund raising efforts were not adversely affected. In  
9 furtherance of that conspiracy, Defendant USC and Defendant Tyndall actively concealed from the  
10 Plaintiffs the fact that Defendant Tyndall was suspected of committing sexual crimes upon them.

11 24. Plaintiffs are informed and believe that rather than: (1) reporting Defendant Tyndall  
12 to any legal authorities; (2) reporting Defendant Tyndall to the California Medical Board, and/or  
13 (3) remedying the wrongs inflicted upon the female student patients by Defendant Tyndall, instead  
14 Defendant USC allowed Defendant Tyndall to resign his position and paid him a generous  
15 monetary settlement in or about June 2017.

16 25. Only after the media reports, including the publication by the *Los Angeles Times*'  
17 exposé article in May 2018, and/or letters from Defendant USC to its students and alumnae, did  
18 Plaintiffs become aware that Defendant Tyndall's behavior during the examination was unlawful  
19 and that his actions during the examination was merely a ruse for his own sexual gratification.

20 26. Plaintiffs are informed and believe that when the media reports and/or letters from  
21 Defendant USC to its students and alumnae were became public, the conspiracy between  
22 Defendants USC and Defendant Tyndall ended.

23 27. Since the *Los Angeles Times* exposé and the letter from Defendant USC President  
24 Nikias in May 2018 regarding Defendant Tyndall's sexually inappropriate behavior, Plaintiffs  
25 have suffered emotional distress, humiliation, embarrassment, mental distress, anxiety, depression,  
26 shame, sadness, anger, and/or personal physical injuries.

27 **FACTS SPECIFIC TO PLAINTIFF SUSAN VAILL**

28 28. Plaintiff Susan Vaill was a graduate student at the USC School of Cinema-

1 Television from 1997-2001. Plaintiff Vaill saw Defendant Tyndall at the student health center in  
2 or about 1998-1999. Plaintiff Vaill made an appointment for a routine annual gynecological exam,  
3 required to renew her birth control prescription.

4 29. Plaintiff Vaill had never been examined by a male gynecologist, but accepted an  
5 appointment with the first available doctor assigned by USC in order to expediently receive her  
6 contraception. This doctor was Defendant Tyndall.

7 30. During Plaintiff Vaill's examination by Defendant Tyndall, he stood next to  
8 Plaintiff Vaill's right side and being overly friendly and smiling as she lay on the examining table,  
9 naked from the waist down with a paper cover over her upper thighs.

10 31. What happened in this exam was a shock to Plaintiff Vaill. Defendant Dr. Tyndall  
11 performed the manual exam, digitally penetrating Plaintiff's vagina and pressing down on her  
12 abdomen. As Defendant Dr. Tyndall removed his fingers from her vagina he suddenly and without  
13 consent and without warning, stuck one of his fingers deeply up Plaintiff Vaill's rectum. This  
14 happened immediately after the vaginal exam, without changing gloves (*if* he was wearing any)  
15 nor applying lubricant. It was painful and shocking. Plaintiff Vaill physically recoiled.

16 32. Plaintiff Vaill felt completely violated and stunned. This seemed like an  
17 unorthodox and unnecessary invasion of her body. Plaintiff Vaill was dizzy, and felt the table  
18 practically rock as her head exploded in shame and shock.

19 33. But Plaintiff Vaill was taught to trust and respect her doctor, so she tried to tell  
20 herself that he knew what he was doing. Plaintiff Vaill thought that maybe this was what male  
21 doctors do, unlike the female doctors she had seen.

22 **FACTS SPECIFIC TO PLAINTIFF ANGELIQUE STUBBLEFIELD**

23 34. Plaintiff Stubblefield was a student at Defendant USC from 1989 through 1993. In  
24 1989, while a freshman at Defendant USC, Plaintiff Stubblefield was seen by Defendant Tyndall at  
25 the USC Student Health Center because of a yeast infection.

26 35. This was the first gynecological examination for Plaintiff Stubblefield. Defendant  
27 Tyndall performed a pelvic examination on Plaintiff Stubblefield. He did not wear any gloves.

28 36. While Plaintiff Stubblefield was laying on the examination table, Defendant



1 Tyndall said to Plaintiff Stubblefield, "it looks like you have a tilted cervix, can I take photos for  
2 my research?"

3 37. Since this was the very first gynecological examination Plaintiff Stubblefield had,  
4 she did not know any better, and she believed that she would be helping Defendant USC and  
5 Defendant Tyndall with his research, so she said okay.

6 38. Defendant Tyndall then began to take Polaroid pictures of Plaintiff Stubblefield's  
7 vagina. There was no female nurse nor chaperone in the room at any time.

8 39. All of these years, Plaintiff Stubblefield believed she had a "tilted cervix" and it  
9 was not until she read the *Los Angeles Times* exposé that she then learned that Defendants USC  
10 and Tyndall had engaged in unlawful practices.

11 **FACTS SPECIFIC TO PLAINTIFF JANE DOE 20**

12 40. Plaintiff Jane Doe 20 was a law student at Defendant USC from 1998 through  
13 1991. In or about 1990, Plaintiff Jane Doe 20 had an appointment with a male gynecologist whom  
14 Plaintiff is informed and believes is Defendant Tyndall.

15 41. Plaintiff Jane Doe 20 was seen by Defendant Tyndall for a gynecological  
16 examination. Defendant Tyndall digitally penetrated Plaintiff Jane Doe 20. The examination was  
17 so probative and took an extremely long period of time that Plaintiff Jane Doe 20 now believes  
18 Defendant Tyndall was trying to sexually stimulate her during the examination.

19 42. After Defendant Tyndall performed the pelvic examination, he said, "Geeze, I now  
20 have to see a man and a horse." Defendant Tyndall made the comment immediately after he  
21 performed the examination and there was no other context for the statement made. The  
22 examination and statement greatly disturbed Plaintiff Jane Doe 20. Although at the time, Plaintiff  
23 Jane Doe 20 did not understand the meaning of the statement, she is now informed and believes  
24 that the comment is a sexual reference.

25 **FACTS SPECIFIC TO PLAINTIFF JANE DOE 21**

26 43. Plaintiff Jane Doe 21 attended Defendant USC as a graduate student from 1985 to  
27 1991. During the final years of her graduate education, Plaintiff Jane Doe 21 made an  
28 appointment to see a gynecologist. Defendant USC gave Plaintiff Jane Doe 21 an appointment

1 with a male gynecologist whom Plaintiff is informed and believes is Defendant Tyndall.

2 44. Defendant Tyndall performed a pelvic examination on Plaintiff Jane Doe 21.  
3 Defendant Tyndall had a camera set up during the examination. Plaintiff Jane Doe 21 was able to  
4 watch the examination on a monitor as Defendant Tyndall digitally penetrated Plaintiff Doe 21.

5 45. Defendant Tyndall told Plaintiff Jane Doe 21 that the use of the camera was a new  
6 technique used during pelvic examinations. Plaintiff Jane Doe 21 had no reason to disbelieve  
7 Defendant Tyndall, who was a doctor at an extremely reputable institution of higher education.  
8 Plaintiff Jane Doe 21 trusted both Defendant USC and Defendant Tyndall.

9 46. At a later medical examination with a general doctor at Defendant USC, Plaintiff  
10 Jane Doe 21 mentioned the use of the camera during her pelvic examination. That doctor  
11 responded with a slight laugh and roll of the eyes and said “\_\_\_ and his camera.”

12 **FACTS SPECIFIC TO PLAINTIFF JANE DOE 22**

13 47. Plaintiff Jane Doe 22 attended Defendant USC from 1996 through 2000. During  
14 her years as a student at Defendant USC, Plaintiff Jane Doe 22 was a patient of Defendant Tyndall.  
15 Plaintiff Jane Doe 22 is informed and believes that she saw Defendant Tyndall approximately 5  
16 times during her tenure as a student at Defendant USC.

17 48. During the examinations, Defendant Tyndall engaged in unlawful practices,  
18 including but not limited to, asking Plaintiff Jane Doe 22 questions about her orgasms; the  
19 frequency of her orgasms; and gave Plaintiff Jane Doe 22 advise on how to achieve orgasm.

20 49. Defendant Tyndall also gave Plaintiff Jane Doe 22 a flyer on exercises she could do  
21 to increase the frequency of orgasms. Plaintiff Jane Doc 22 never asked Defendant Tyndall for  
22 this advice.

23 50. Defendant Tyndall also performed pelvic examinations of Plaintiff Jane Doe 22  
24 without using a speculum. At the time of these examinations, Plaintiff Jane Doe 22 believed it  
25 was standard practice in conducting examinations to digitally penetrate her vagina without using a  
26 speculum.

27 **FACTS SPECIFIC TO PLAINTIFF JANE DOE 23**

28 51. Plaintiff Jane Doe 23 attended USC beginning in 2005. Plaintiff Jane Doe 23 had

1 an annual pelvic and pap examination with a general MD. Because of an abnormal result, that  
2 doctor referred Plaintiff Jane Doe 23 to Defendant Tyndall for a follow up examination

3 52. Plaintiff Jane Doe 23 did not want to see a male gynecologist; however she was  
4 told that it was her only option at the time. Given the abnormal result, Plaintiff Jane Doe 23 did  
5 not want to delay the exam and decided to go with her only option, which was to see Defendant  
6 Tyndall.

7 53. In July 2006, Plaintiff Jane Doe 23 went to see Defendant Tyndall. Plaintiff Jane  
8 Doe 23 was called in by a nurse who took her vitals and asked why she was there. After  
9 responding, the nurse said the doctor would be in shortly and she left.

10 54. Defendant Tyndall entered the exam room. No one else came into the room.  
11 Defendant Tyndall reviewed Plaintiff Jane Doe 23's self-report medical history form and she  
12 answered his questions. He then explained the colposcopy procedure and instructed Plaintiff Jane  
13 Doe 23 to take off her clothes and put on a cropped paper gown. He told Plaintiff Jane Doe 23 to  
14 sit at the end of the exam table when she was ready.

15 55. Plaintiff Jane Doe 23 waited until Defendant Tyndall had his back to her to move  
16 from behind the screen to the exam table. Defendant Tyndall sat on a stool facing Plaintiff Jane  
17 Doe 23 while she sat on the exam table. Defendant Tyndall then instructed her to slide her butt  
18 down to the edge and put her feet in the stirrups – while he was facing her.

19 56. Without any notice, Defendant Tyndall forcibly inserted his fingers into Plaintiff  
20 Jane Doe 23's vagina without any lubricant. Defendant Tyndall told her that he was checking to  
21 see if the speculum would fit before starting. Plaintiff Jane Doe 23 did not see Defendant Tyndall  
22 put on any gloves.

23 57. Defendant Tyndall digitally penetrated Plaintiff Jane Doe 23 with what felt like  
24 three fingers inside her vagina and felt around for a solid minute. Defendant Tyndall also used a  
25 massaging motion with his fingers, and slid them in and out of the area.

26 58. Defendant Tyndall said, "Well, we know you're not a virgin," and sort of laughed.  
27 Plaintiff Jane Doe 23 looked up at the ceiling while holding on to the table by her sides and saying  
28 to herself, "Just get through this," over and over again.

1           59. After the digital exam, Defendant Tyndall proceeded with the colposcopy. He first  
2 inserted the speculum and opened it more than Plaintiff Jane Doe 23 had ever had one opened  
3 before. It was notably painful and she said to him that it hurt. Defendant Tyndall replied that it  
4 was normal.

5           60. During the colposcopy, Defendant Tyndall was discussing Plaintiff Jane Doe 23's  
6 weight. He asked what she was doing to lose weight. Plaintiff replied. After the weight loss  
7 interrogation, Defendant Tyndall said, "So, you're Italian?" Plaintiff Jane Doe 23 said she was  
8 half. He asked what the other half was, and Plaintiff Jane Doe 23 said Ecuadorian. Defendant  
9 Tyndall then proceeded to say how there has been a lot more "mixing" and "it is creating beautiful  
10 people."

#### 11 FACTS SPECIFIC TO PLAINTIFF JANE DOE 24

12           61. Plaintiff Jane Doe 24 attended Defendant USC from 2008 to 2011. During her  
13 tenure at Defendant USC, Plaintiff Jane Doe 24 made an appointment to see a gynecologist at  
14 Defendant USC Student Health Center approximately two times. Both times, she was given an  
15 appointment to see Defendant Tyndall.

16           62. During Plaintiff Jane Doe 24's first appointment which was for a pap exam,  
17 Defendant Tyndall told Plaintiff Jane Doe 24 to fully undress. Plaintiff Jane Doe 24 undressed  
18 behind a curtain area and when Defendant Tyndall returned, she was completely undressed. He  
19 gave Plaintiff Jane Doe 24 a paper to cover the lower part of her body for the pelvic exam.

20           63. Defendant Tyndall proceeded to examine Plaintiff Jane Doe 24's breasts. He  
21 squeezed Plaintiff Jane Doe 24's nipple area on both her breasts. Plaintiff Jane Doe 24 is informed  
22 and believes there was no female nurse nor chaperone in the room.

23           64. After Defendant Tyndall finished examining Plaintiff Jane Doe 24's breasts, he told  
24 her to lay down on the examining table for a pelvic exam. Plaintiff Jane Doe 24 had the paper  
25 over her pelvic area. Defendant Tyndall lifted the paper and digitally penetrated Plaintiff Jane Doe  
26 24. Defendant Tyndall commented, "Oh, you're so tight, relax." Plaintiff Jane Doe 24 replied,  
27 "okay." Defendant Tyndall again said, "so tight." Defendant Tyndall poked around Plaintiff Jane  
28 Doe 24's vagina.

1           65.     While still examining Plaintiff Jane Doe 24, Defendant Tyndall looked closer  
2 towards Plaintiff Jane Doe 24's vagina and said, "Are you Filipino?" Plaintiff Jane Doe 24 replied,  
3 "Yes I am", while thinking to herself, "does my vagina look Filipino."

4           66.     Defendant Tyndall proceeded to talk about how he loves Filipinos. That his wife is  
5 Filipino and that he loves Filipino food. Defendant Tyndall also wore a Filipino shirt.

6           67.     During Plaintiff Jane Doe 24's second appointment with Defendant Tyndall for a  
7 HPV vaccine, he asked Plaintiff Jane Doe 24 questions about her sexual history; the number of  
8 partners she had; he asked her about the type of sex she had – oral, vaginal or anal. Defendant  
9 Tyndall also asked Plaintiff Jane Doe 24 the frequency of sex, the gender of her sexual partners  
10 and the last time she had sex.

11          68.     At one point during his interrogation, Plaintiff Jane Doe 24 said, "I'm sorry, is this  
12 like over-sharing?" Defendant Tyndall replied, "no, it's ok; it's not over-sharing."

13                           **FACTS SPECIFIC TO PLAINTIFF ANNA SHAKESHAFT**

14          69.     Plaintiff Anna Shakeshaft attended Defendant USC from 2012 to 2016. Plaintiff  
15 Shakeshaft was a sophomore at Defendant USC in 2014 when she saw Defendant Tyndall.

16          70.     During the examination, Defendant Tyndall began by asking Plaintiff Shakeshaft  
17 questions about her sexual history. Defendant Tyndall asked Plaintiff Shakeshaft the number of  
18 partners she has had. When Plaintiff Shakeshaft responded one partner, Defendant Tyndall he  
19 seemed surprised and said something like, "that's surprising you're so pretty and you're already a  
20 sophomore."

21          71.     Defendant Tyndall also asked Plaintiff Shakeshaft other probing questions  
22 regarding her sexual history, including: if her partners gave her pleasure during sex; what type of  
23 sexual activities she engaged in; did she engage in anal, vaginal, and/or oral sex.

24          72.     After the interrogation, Defendant Tyndall began a pelvic examination. Defendant  
25 Tyndall forcefully digitally penetrated Plaintiff Shakeshaft. He commented on the tightness of her  
26 vagina. He also inserted a swab in her vagina. Defendant Tyndall did not explain what or why he  
27 was doing during the examination.

28 ///

1 **FACTS SPECIFIC TO PLAINTIFF JANE DOE 25**

2 73. Plaintiff Jane Doe 25 attended Defendant USC as a graduate student from 2015 to  
3 2017. Plaintiff Jane Doe 25 made an appointment to see a gynecologist at the USC Student Health  
4 Center in 2015. Defendant USC gave Plaintiff Jane Doe 25 an appointment to see Defendant  
5 Tyndall.

6 74. At the examination, Defendant Tyndall asked Plaintiff Jane Doe 25 probing  
7 questions. Defendant Tyndall repeatedly asked Plaintiff Jane Doe 25 if she thought if her  
8 boyfriend was cheating on her. Defendant Tyndall also asked her about the number of sexual  
9 partners she had and whether she engaged in anal sex.

10 75. Defendant Tyndall also pushed and prescribed "Plan B" birth control, which  
11 Plaintiff Jane Doe 25 did not request.

12 76. When Defendant Tyndall performed the pelvic examination, he did not use a  
13 speculum. Defendant Tyndall digitally penetrated Plaintiff Jane Doe 25's vagina. No female nurse  
14 nor a female chaperone was in the examining room.

15 **FACTS SPECIFIC TO PLAINTIFF JANE DOE 26**

16 77. Plaintiff Jane Doe 26 attended Defendant USC as a graduate student from 2014 to  
17 2016.

18 78. Plaintiff Jane Doe 26 made an appointment to see a gynecologist and Defendant  
19 USC scheduled the appointment with Defendant Tyndall for April 18, 2016.

20 79. When Plaintiff Jane Doe 26 saw Defendant Tyndall for the examination, this was  
21 her first gynecological exam in the U.S. Plaintiff Jane Doe 26 horrifically recalls that Defendant  
22 Tyndall's office smelled like vaginas. Defendant Tyndall asked Plaintiff Jane Doe 26 probing  
23 questions, such as the frequency of sex and the type of sex she had.

24 80. Defendant Tyndall told Plaintiff Jane Doe 26 to disrobe from the waist down. No  
25 sheet/cover was given to her. There was a female in the room, however the woman was behind the  
26 exam table and not within Plaintiff Jane Doe 26's field of vision.

27 81. Defendant Tyndall wore no gloves during the pelvic examination and did not give  
28 her a sheet to cover the lower part of her body. Defendant Tyndall did not use a speculum during

1 the examination; instead he digitally penetrated Plaintiff Jane Doe 26.

2 82. Plaintiff Jane Doe 26 received a copy of her medical file from Defendant USC.  
3 Plaintiff Jane Doe 26 noted that Defendant Tyndall wrote that she was experiencing “painful” sex,  
4 yet. Plaintiff Jane Doe 26 did not report that to Defendant Tyndall.

5 **FACTS SPECIFIC TO PLAINTIFF JANE DOE 27**

6 83. Plaintiff Jane Doe 27 was a student at Defendant USC from 2013 through May  
7 2017. Plaintiff Doe 27 was 17 years old when she was first seen by Defendant Tyndall in August  
8 2013. It was also the first time that Plaintiff Doe 27 had ever seen a gynecologist.

9 84. During Plaintiff Doe 27's first pelvic examination, she was asked to undress from  
10 her waist down and she was instructed to lay on the examination table. Defendant Tyndall told  
11 Plaintiff Doe 27 that he needed to take pictures of her vagina in case someone later tried to accuse  
12 him of not detecting cancer. Plaintiff Doe 27 believed Defendant Tyndall.

13 85. Defendant Tyndall then proceeded to perform a pelvic examination. Defendant  
14 Tyndall digitally penetrated Plaintiff Doe 27's vagina. He did not wear any gloves. Defendant  
15 Tyndall also did not use a speculum during the examination.

16 86. Thereafter, Defendant Tyndall required Plaintiff Doe 27 to return every three  
17 months to see him in order to have her birth control renewed. Defendant Tyndall would invariably  
18 have long conversations with Plaintiff Doe 27 during those visits, asking her detailed questions  
19 about her sexual relationships.

20 87. Defendant Tyndall asked Plaintiff Doe 27 how many partners she had. Defendant  
21 Tyndall asked her how often she had sex. Defendant Tyndall asked her what kind of sex she had,  
22 e.g. oral, anal, and/or vaginal sex. Thinking that Defendant Tyndall was just being a thorough  
23 doctor, and not having previously seen any gynecologist, she answered all his sexual questions.

24 **FACTS SPECIFIC TO PLAINTIFF JANE DOE 28**

25 88. Plaintiff Jane Doe 28 is currently a student at Defendant USC. Plaintiff Doe 28 saw  
26 Defendant Tyndall for a gynecological examination in February 2016. Plaintiff Doe 28 was 18  
27 years old at the time and this was the first time she had seen a gynecologist.

28 89. After being asked to disrobe from the waist down, Plaintiff Doe 28 was told to lay

1 on the examination table. Defendant Tyndall performed a pelvic examination on Plaintiff Doe 28.  
2 Defendant Tyndall explained to Plaintiff Doe 28, "I'm going to use my fingers, I can feel better and  
3 it's more accurate."

4 90. Defendant Tyndall then digitally penetrated Plaintiff Doe 28's vagina. The  
5 manner in which Defendant Tyndall moved his fingers in Plaintiff Doe 28's vagina, felt sexual. He  
6 used two fingers and moved them in and out of her vagina. Defendant Tyndall did not use a  
7 speculum during the examination.

8 91. Defendant Tyndall asked Plaintiff Doe 28, "do you run?" Plaintiff Doe 28 replied,  
9 "no I play soccer. Why?" Defendant Tyndall said, "Because you have really tight hips."

10 92. Defendant Tyndall also asked Plaintiff Doe 28 if she was sexually active and also  
11 asked when was the last time she last had intercourse.

12 **FIRST CAUSE OF ACTION**

13 **(Sexual Battery in Violation of Cal. Civ. Code §1708.5 Against Defendant Tyndall)**

14 93. Plaintiffs repeat and reallege by reference each and every allegation contained  
15 hereinabove and incorporates the same herein as though fully set forth herein.

16 94. Cal. Civ. Code §1708.5(a) provides: A person commits a sexual battery who does  
17 any of the following: (1) acts with the intent to cause a harmful or offensive contact with an  
18 intimate part of another, and a sexually offensive contact with that person directly or indirectly  
19 results. (2) Acts with the intent to cause a harmful or offensive contact with another by use of his  
20 or her intimate part, and a sexually offensive contact with that person directly or indirectly results.  
21 (3) Acts to cause an imminent apprehension of the conduct described in paragraph (1) or (2), and a  
22 sexually offensive contact with that person directly or indirectly results.

23 95. Cal. Civ. Code §1708.5(d) defines "intimate part" as the sexual organ, anus, groin,  
24 or buttocks of any person, or the breast of a female.

25 96. Cal. Civ. Code §1708.5(f) defines "offensive contact" to mean contact that offends  
26 a reasonable sense of personal dignity.

27 97. Plaintiffs allege that Defendant Tyndall committed the act of civil sexual battery in  
28 violation of Cal. Civ. Code §1708.5, when Defendant Tyndall willfully, maliciously, intentionally,



1 and without the consent of Plaintiffs subjected them to the forceful, harmful and/or offensive  
2 touching of Plaintiffs' "intimate parts."

3 98. As a direct and/or proximate result of Defendant Tyndall's unlawful conduct as  
4 alleged hereinabove, Plaintiffs have suffered emotional distress, humiliation, embarrassment,  
5 mental and anxiety, all in an amount exceeding the jurisdictional minimum of the Superior Court  
6 according to proof at trial.

7 99. The aforementioned conduct by Defendant Tyndall was willful, wanton, and  
8 malicious. At all relevant times, Defendant Tyndall acted with conscious disregard of the  
9 Plaintiffs' rights and feelings. Defendant Tyndall also acted with the knowledge of or with  
10 reckless disregard for the fact that his conduct was certain to cause injury and/or humiliation to  
11 Plaintiffs. Plaintiffs are further informed and believe that Defendant Tyndall intended to cause  
12 fear, physical injury and/or pain and suffering to the Plaintiffs. By virtue of the foregoing,  
13 Plaintiffs are entitled to recover punitive and exemplary damages from Defendant Tyndall  
14 according to proof at trial.

15 **SECOND CAUSE OF ACTION**

16 **(For Battery Against Defendant Tyndall)**

17 100. Plaintiffs repeat and reallege by reference each and every allegation contained  
18 hereinabove and incorporates the same herein as though fully set forth herein.

19 101. In performing the acts described herein, Defendant Tyndall acted with the intent to  
20 make a harmful and offensive contact with Plaintiffs' person.

21 102. Defendant Tyndall did, in fact, bring himself into offensive and unwelcome contact  
22 with Plaintiffs as described hereinabove.

23 103. At all relevant times, Plaintiffs found the contact by Defendant Tyndall to be  
24 offensive to her person and dignity. At no time did Plaintiffs knowingly consent to any of the acts  
25 by Defendant Tyndall alleged hereinabove.

26 104. As a result of Defendant Tyndall's acts as hereinabove alleged, Plaintiffs were  
27 physically harmed and/or experienced offensive contact with her person.

28 105. As a direct and proximate result of Defendants' unlawful conduct as alleged

1 hereinabove, Plaintiffs have suffered emotional distress, humiliation, embarrassment, mental and  
2 anxiety, and other consequential damages, all in an amount exceeding the jurisdictional minimum  
3 of the Superior Court according to proof at trial.

4 106. The aforementioned conduct by Defendant Tyndall was willful, wanton, and  
5 malicious. At all relevant times, Defendants acted with conscious disregard of the Plaintiffs' rights  
6 and feelings. Defendant Tyndall also acted with the knowledge of or with reckless disregard for  
7 the fact that his conduct was certain to cause injury and/or humiliation to the Plaintiffs. By virtue  
8 of the foregoing, the Plaintiffs are entitled to recover punitive and exemplary damages from  
9 Defendant Tyndall according to proof at trial.

10 **THIRD CAUSE OF ACTION**

11 **(Gender Violence in Violation of Cal. Civ. Code § 52.4 Against Defendant Tyndall)**

12 107. Plaintiffs repeat and reallege by reference each and every allegation contained  
13 hereinabove and incorporates the same herein as though fully set forth herein.

14 108. Cal. Civ. Code Section 52.4 ( c) defines "gender violence" as: (1) one or more acts  
15 that would constitute a criminal offense under state law that has as an element the use, attempted  
16 use, or threatened use of physical force against the person or property of another, committed at  
17 least in part based on the gender of the victim, whether or not those acts have resulted in criminal  
18 complaints, charges, prosecution, or conviction. (2) A physical intrusion or physical invasion of a  
19 sexual nature under coercive conditions, whether or not those acts have resulted in criminal  
20 charges, complaints, charges, prosecution, or conviction. Cal. Civ. Code Section 52.4(d) provides:  
21 Notwithstanding any other laws that may establish the liability of an employer for the acts of an  
22 employee, this section does not establish any civil liability of a person because of her or her status  
23 as an employer, unless the employer personally committed an act of gender violence.

24 109. Plaintiffs alleges that Defendant Tyndall violated Cal. Civ. Code Section 52.4 in  
25 that one or more acts he inflicted on Plaintiffs constitutes a criminal offense under state law that  
26 has an element of use, attempted use, or threatened use of physical force against her person,  
27 committed at least in part based on Plaintiff's gender, whether or not those acts have resulted in  
28 criminal complaints, charges, prosecution, or conviction.

1           110. Plaintiffs allege that Defendant Tyndall violated Cal. Civ. Code Section 52.4 in that  
2 he engaged in a physical intrusion or physical invasion of a sexual nature under coercive  
3 conditions, even if those acts have not yet resulted in criminal complaints, charges, prosecution, or  
4 conviction.

5           111. As a direct and proximate result of Defendant Tyndall's unlawful conduct as  
6 alleged hereinabove, Plaintiffs have suffered physical injury, emotional distress, humiliation,  
7 embarrassment, and/or anxiety, all in an amount exceeding the jurisdictional minimum of the  
8 Superior Court according to proof at trial.

9           112. The aforementioned conduct by Defendant Tyndall was willful, wanton, and  
10 malicious. At all relevant times, Defendant Tyndall acted with conscious disregard of the  
11 Plaintiffs' rights and feelings. Defendant Tyndall also acted with the knowledge of or with reckless  
12 disregard for the fact that this conduct was certain to cause injury and/or humiliation to the  
13 Plaintiffs. By virtue of the foregoing, the Plaintiffs are entitled to recover punitive and exemplary  
14 damages from Defendants according to proof at trial.

15           113. Plaintiffs have incurred, and will continue to incur, attorneys' fees in the  
16 prosecution of this action and therefore demand such reasonable attorneys' fees and costs as set by  
17 the Court.

18   **FOURTH CAUSE OF ACTION**

19                                   **(Sexual Harassment in Violation of Civ. Code §51.9**  
20   **Against Defendants USC and DOES 1-100)**

21           114. Plaintiffs repeat and reallege by reference each and every allegation contained  
22 hereinabove and incorporates the same herein as though fully set forth herein.

23           115. Civil Code §51.9(a)(1)(A) states in pertinent part: "(a) A person is liable in a cause  
24 of action for sexual harassment under this section when the plaintiff proves all of the following  
25 elements:

26           (1) There is a business, service, or professional relationship between the plaintiff and  
27 defendant. Such a relationship may exist between a plaintiff and a person, including, but not  
28 limited to, any of the following persons:

1 (A) Physician, psychotherapist, or dentist. For purposes of this section,  
2 "psychotherapist" has the same meaning as set forth in paragraph (1) of the subdivision ©  
3 of Section 728 of the Business and Professions Code."

4 116. Civil Code §51.9(a) continues the elements for sexual harassment:

5 (2) The defendant has made sexual advances, solicitations, sexual requests, demands  
6 for sexual compliance by the plaintiff, or engaged in other verbal, visual, or physical conduct of a  
7 sexual nature or of a hostile nature based on gender, that were unwelcome and pervasive or severe.

8 (3) There is an inability by the plaintiff to easily terminate the relationship.

9 (4) The plaintiff has suffered or will suffer economic loss or disadvantage or personal  
10 injury, including, but not limited to, emotional distress or the violation of a statutory or  
11 constitutional right, as a result of the conduct described in paragraph (2)."

12 117. During Plaintiffs' times as students at Defendant USC and DOES 1 to 100,  
13 Defendant Tyndall intentionally, recklessly and wantonly made sexual advances, solicitations,  
14 requests, demands for sexual compliance of a hostile nature based on Plaintiffs' gender that were  
15 unwelcome, pervasive and severe, including but not limited to Defendant Tyndall groping and  
16 fondling Plaintiffs' breasts and vaginas, all under the supervision of Defendants, who were acting  
17 in the course and scope of their agency with Defendants, and each of them.

18 118. The incidents of abuse outlined herein above took place while Plaintiffs were under  
19 the control of Defendant Tyndall and Defendants USC and DOES 1 to 100, in their capacity and  
20 position as supervisors of physicians, medical professionals, and staff at Defendants USC and  
21 DOES 1 to 100, and while acting specifically on behalf of Defendants.

22 119. During Plaintiffs' time as students at Defendant USC and DOES 1 to 100,  
23 Defendant Tyndall intentionally, recklessly and wantonly did acts which resulted in harmful and  
24 offensive contact with intimate parts of Plaintiffs' persons, including but not limited to, using his  
25 position of authority and age to force Plaintiffs to give into Defendant Tyndall's sexual  
26 suggestions.

27 120. Because of Plaintiffs' relationships with Defendant Tyndall and Defendants USC  
28 and DOES 1 to 100, Defendant Tyndall's status as the only full-time gynecologist employed by

1 Defendant USC's Student Health Center, and Plaintiffs' young ages as students of Defendant  
2 USC, Plaintiffs were unable to easily terminate the relationship they had with Defendants.

3 121. Because of Defendant Tyndall's age and position of authority versus Plaintiffs'  
4 physical seclusion, mental and emotional state, and young age, Plaintiffs were unable to, and did  
5 not and could not, give consent to such acts.

6 122. Even though Defendants knew or should have known of these activities by  
7 Defendant Tyndall, Defendants did nothing to investigate, supervise or monitor Defendant Tyndall  
8 to ensure the safety of the student-patients in their charge.

9 123. Because of Plaintiffs' relationships with Defendants, as a student-patient of  
10 Defendants, and Plaintiffs' young age, Plaintiffs were unable to easily terminate the physician-  
11 patient relationship they had with Defendants.

12 124. A corporation is a "person" within meaning of Civil Code §51.9, which subjects  
13 persons or liability for sexual harassment within a business, service or professional relationship,  
14 and such an entity defendant may be held liable under this statute for the acts of its employees.  
15 *C.R. v. Tenet Healthcare Corp. (2009) 169 Cal.App.4th 1094*. Further, principles of ratification  
16 apply when the principal ratifies the agent's originally unauthorized harassment, as is alleged to  
17 have occurred herein.

18 125. Defendants' conduct (and the conduct of their agents) was a breach of their duties  
19 to Plaintiffs.

20 126. 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; has suffered and continues to suffer and was 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/or have incurred and will continue to incur expenses for  
26 medical and psychological treatment; therapy, and counseling.

27 ///

28 ///

1 **FIFTH CAUSE OF ACTION**

2 **(Violation of the California Unruh Civil Rights Act Civ. Code §51**  
3 **Against Defendants USC and DOES 1-100)**

4 127. Plaintiffs repeat and reallege by reference each and every allegation contained  
5 hereinabove and incorporates the same herein as though fully set forth herein.

6 128. The Plaintiffs' civil rights were violated by Defendants USC through its agents,  
7 actors, and employees, intentionally concealed complaints of sexual abuse and harassment by  
8 Defendant Tyndall from Plaintiffs. Plaintiffs had a right to be free from gender discrimination,  
9 abuse and harassment under the Civil Rights Act.

10 129. The Plaintiff's civil rights were violated by Defendant USC, when Defendant USC,  
11 through its agents, actors and employees, intentionally concealed complaint of sexual abuse,  
12 molestation and harassment by TYNDALL from Plaintiffs. Plaintiffs had a right to be free from  
13 gender discrimination, sexual molestation, abuse and harassment under the Unruh Civil Rights  
14 Act.

15 130. The Defendants USC, TYNDALL, and DOES 1 through 500 were acting under the  
16 color of their authority and in the scope of their employment, during the instances when the  
17 Plaintiffs were student-patients at Defendant USC and DOES 1 through 500.

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

23 132. By employing and retaining TYNDALL as the sole full-time gynecologist with  
24 regular availability in its Student Health Clinic, despite its knowledge of myriad reports of  
25 TYNDALL's sexually abusive nature, Defendant USC forced its female students to seek necessary  
26 medical treatment from TYNDALL, thereby exposing Plaintiffs to TYNDALL's sexual abuse.  
27 Thus, Defendant USC's retention of TYNDALL denied Plaintiffs, and all of its other young  
28 female students, of full and equal access to safe medical facilities, treatment and services, based

1 upon their gender.

2 133. The substantial motivating reason for Defendant USC's conduct of actively  
3 concealing numerous complaints of TYNDALL's sexually abusive nature was Plaintiff's gender,  
4 as Defendant USC knew that only its female students would seek gynecological treatment from  
5 TYNDALL and thus, would be unwittingly subjected to his sexual assaults.

6 134. As a direct and proximate result of Defendants' tortuous acts, omissions, wrongful  
7 conduct and breaches of their duties, Plaintiffs' employment and professional development has  
8 been adversely affected. Plaintiffs have lost wages and will continue to lose wages in an amount  
9 to be determined at trial. Plaintiffs have suffered substantial economic injury, all to Plaintiffs'  
10 general, special and consequential damage in an amount to be proven at trial, but in no event less  
11 than the minimum jurisdictional amount of this Court.

12 135. As a further direct and proximate result of Defendants' wrongful actions, as herein  
13 alleged, Plaintiffs have been hurt in their health, strength and activity. Plaintiffs have sustained  
14 permanent and continuing injury to their nervous system and persons, which has caused and  
15 continue to cause great mental, physical and nervous pain, suffering, fright, upset, grief, worry and  
16 shock in an amount according to proof at trial but in no event less than the jurisdictional minimum  
17 requirement of this Court.

18 **SIXTH CAUSE OF ACTION**

19 **(Violation of the California Bane Act Civ. Code §52.1**  
20 **Against Defendants USC and DOES 1-100)**

21 136. Plaintiffs repeat and reallege by reference each and every allegation contained  
22 hereinabove and incorporates the same herein as though fully set forth herein.

23 137. Civil Code §52.1(a) states: "if a person or persons, whether or not acting under  
24 color of law, interferes by threat, intimidation, or coercion, or attempts to interfere by threat,  
25 intimidation, or coercion, with the exercise or enjoyment by any individual or individuals of rights  
26 secured by the Constitution or laws of the United States, or any district attorney or city attorney  
27 may bring a civil action for injunctive and other appropriate equitable relief in the name of the  
28 people of State of California, in order to protect the peaceable exercise or enjoyment of the right or

1 rights secured. An action brought by the Attorney General, any district attorney, or any city  
2 attorney may also seek a civil penalty of twenty-five thousand dollars (\$25,000). If this civil  
3 penalty is requested, it shall be assessed individually against each person who is determined to  
4 have violated this section and the penalty shall be awarded to each individual whose rights under  
5 this section are determined to have been violated.”

6 138. Further Civil Code §52.1(b) states: “Any individual whose exercise or enjoyment of  
7 rights secured by the Constitution or laws of the United States, or of rights secured by the  
8 Constitution or laws of this state, has been interfered with, or attempted to be interfered with, as  
9 described in subdivision (a), may institute and prosecute in his or her own name and on his or her  
10 own behalf a civil action for damages, including, but not limited to, damages under Section 52,  
11 injunctive relief, and other appropriate equitable relief to protect the peaceable exercise or  
12 enjoyment of the right or rights secured, including appropriate equitable and declaratory relief to  
13 eliminate a pattern or practice of conduct as described in subdivision (a).

14 139. Defendants’ actions, as alleged herein, have had and will continue to interfere with  
15 Plaintiffs’ right to be free from gender discrimination in the form of sexual harassment in the  
16 education and collegiate athletic setting, codified under 20 U.S.C. §1681. Furthermore, Plaintiffs  
17 had a right to have Defendant USC respond immediately and investigate her molestation, sexual  
18 assault, sexual abuse, and/or sexual harassment by Dr. Tyndall.

19 140. During Plaintiffs’ time as a student at Defendant USC, Defendants engaged in  
20 oppressive and unlawful tactics in ignoring, concealing, and ultimately suppressing Plaintiffs’  
21 complaints of being sexually abused by Dr. Tyndall. Plaintiffs were threatened, intimidated and  
22 coerced for reporting Dr. Tyndall’s sexually abusive conduct, by Dr. Tyndall’s own intimidating  
23 and humiliating conduct, as well as the conspiratorial silence and inaction of Defendant USC’s  
24 chaperones. These intentional acts of concealment of Dr. Tyndall’s abusive behavior violated  
25 Plaintiffs’ rights to be free from discrimination on the basis of her gender, under Title IX.

26 141. Furthermore, Plaintiffs were deprived of due process of law, when various  
27 complaints to Defendant USC’s employees failed to trigger any report, investigation, or other  
28 action by Defendants USC and its managing agents, who were required to do so, both under their



1 own policies and procedures, as well as under federal mandate by Title IX and the Fourteenth  
2 Amendment.

3 142. In addition, these actions were contrary to Plaintiffs' civil rights guaranteed under  
4 the Constitution of the State of California.

5 143. Defendants' wrongful conduct was intended to, and did successfully interfere with  
6 Plaintiffs' constitutional rights to be free from gender discrimination and harassment, as well as  
7 interfered with their rights of due process under the United States Constitution, specifically the  
8 Fifth and Fourteenth Amendments.

9 144. Defendants unlawfully and wrongfully used, or employed others to wrongfully use  
10 threats, intimidation, harassment, violence, and coercion over Plaintiffs' person, to which  
11 Plaintiffs had no relief except to submit to Defendants' wrongful threats, intimidation, harassment,  
12 violence, and coercion, which rendered Plaintiffs' submission involuntary.

13 145. Defendants' above-noted actions were the legal and proximate cause of physical,  
14 psychological, emotional, and economic damages, and damage to Plaintiffs, who has suffered and  
15 continues to suffer to this day. The actions of Defendants have also resulted in Plaintiffs incurring,  
16 and will require them to incur into the future, expenses for medical and psychological treatment,  
17 therapy, and counseling.

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

26 147. In subjecting Plaintiffs to the wrongful treatment described herein, Defendants  
27 acted willfully and maliciously with the intent to harm Plaintiffs, and in conscious disregard of  
28 Plaintiffs' rights, entitling Plaintiffs to compensatory damages in a sum to be shown according to

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

7 **SEVENTH CAUSE OF ACTION**

8 **(Sexual Harassment in Violation of the Education Code §220**  
9 **Against All Defendants)**

10 148. Plaintiffs repeat and reallege by reference each and every allegation contained  
11 hereinabove and incorporates the same herein as though fully set forth herein.

12 149. Education Code §220 states: "No person shall be subjected to discrimination on the  
13 basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity,  
14 religion, sexual orientation, or any other characteristic that is contained in the definition of hate  
15 crimes set forth in Section 422.55 of the Penal Code, including immigration status, in any program  
16 or activity conducted by an educational institution that receives, or benefits from, state financial  
17 assistance, or enrolls pupils who receive state student financial aid."

18 150. Plaintiffs were harmed by being subjected to molestation, sexual assault, sexual  
19 abuse, and/or sexual harassment at Defendants USC and DOES 1 to 100 because of Plaintiffs'  
20 gender and Defendants are responsible for that harm.

21 151. Plaintiffs suffered harassment that was so severe, pervasive, and offensive that it  
22 effectively deprived Plaintiffs of the right of equal access to educational benefits and  
23 opportunities.

24 152. Defendants had actual knowledge that this molestation, sexual assault, sexual  
25 abuse, and/or sexual harassment was occurring. Specifically, Defendant USC, by and through its  
26 employees, witnessed Defendant Tyndall's abuse firsthand, as it was witnessed by multiple USC-  
27 employed chaperones. Further, Defendant USC received, and then actively suppressed and  
28 ignored, numerous complaints of Defendant Tyndall's sexual abuse, dating back to at least the year

1 2000.

2 153. In the face of this knowledge of molestation, sexual assault, sexual abuse, and/or  
3 sexual harassment that was being perpetrated upon Plaintiffs, by Defendant Tyndall, Defendants  
4 acted with deliberate indifference towards responding to these alarms and preventing further  
5 abuse. Defendants allowed Defendant Tyndall to remain as a Student Health Center physician at  
6 Defendants USC and DOES 1 to 100, to sexually harass, abuse and molest other patients. It was  
7 not until June of 2017 that Defendants allowed Defendant Tyndall to resign, with a monetary  
8 settlement, that Defendant Tyndall's sexual abuse of young female students of Defendant USC  
9 finally stopped.

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

17 155. In subjecting Plaintiffs to the wrongful treatment herein described, Defendants  
18 USC, Defendant Tyndall and DOES 1 to 100, acted willfully and maliciously with the intent to  
19 harm Plaintiffs, and in conscious disregard of Plaintiffs' rights, so as to constitute malice and  
20 oppression under Civil Code §3294. Plaintiffs are therefore entitled to the recovery of punitive  
21 damages, in an amount to be determined by the court, against USC, Defendant Tyndall and DOES  
22 1 to 100, in a sum to be shown according to proof.

23 **EIGHTH CAUSE OF ACTION**

24 **(Negligent Hiring and Retention Against Defendants USC and DOES 1-100)**

25 156. Plaintiffs repeat and reallege by reference each and every allegation contained  
26 hereinabove and incorporates the same herein as though fully set forth herein.

27 157. Plaintiffs are informed and believes that decades ago, Defendants USC learned that  
28

1 Defendant Tyndall had been sexually harassing and/or sexually assaulting female patients.

2 158. Plaintiffs recently learned that Defendants USC had known of Defendant Tyndall's  
3 sexual harassment and sexual assaults of other women and failed to take appropriate and corrective  
4 action.

5 159. Plaintiffs are informed and believe that had Defendants USC taken prompt and  
6 corrective action against Defendant Tyndall, that they would not have been sexually harassed nor  
7 sexually battered.

8 160. Defendants USC, and each of them, owed Plaintiffs a duty of care to act in a  
9 reasonable and ordinary manner so as not to cause Plaintiffs any foreseeable harm.

10 161. Defendants USC and each of them, failed to use ordinary and reasonable care in  
11 order to avoid injury to Plaintiffs. This includes, but is not limited to, Defendants' failure to  
12 exercise a duty of care to avoid Defendant Tyndall's sexual harassment and sexual assault of  
13 female student patients, including Plaintiffs causing them injury.

14 162. Plaintiffs are informed and believe and thereon allege that Defendants USC knew  
15 or should have known that Plaintiffs were being subjected to sexual harassment and/or an unlawful  
16 battery by reason of Defendant Tyndall's unlawful actions which had been reported to Defendants  
17 USC decades ago.

18 163. Plaintiffs are informed and thereon allege that despite being informed of Defendant  
19 Tyndall's unlawful conduct, Defendants USC and each of them, failed to discipline Defendant  
20 Tyndall and kept him in their employ, thereby ratifying said unlawful conduct.

21 164. The conduct of Defendants USC constitutes negligence and is actionable under the  
22 laws of the State of California. As a direct and proximate result of the acts of Defendants, upon  
23 learning of the *Los Angeles Times*' exposé, Plaintiffs have suffered emotional distress, fear  
24 embarrassment, nervousness, nausea, anxiety, worry, shame, humiliation, distress, shock and  
25 sleeplessness and other physical manifestations.

26 165. Defendants USC's conduct was reckless and with a conscious disregard of  
27 Plaintiffs' rights. Plaintiffs are therefore entitled to an award of punitive damages against  
28 Defendants USC and Does 1-100 in an amount to be determined by proof at trial.

1 **NINTH CAUSE OF ACTION**

2 **(Negligent Supervision Against Defendants USC and DOES 1-100)**

3 166. Plaintiffs repeat and rcallege by reference each and every allegation contained  
4 hereinabove and incorporates the same herein as though fully set forth herein.

5 167. Defendants had a duty to provide Plaintiffs with a gynecologist who would provide  
6 each of them with a professional STD exam, devoid of any sexually harassing and/or sexually  
7 assaulting behavior.

8 168. Plaintiffs recently learned that USC had known of Defendant Tyndall's sexual  
9 harassment and sexual assaults of other women and failed to take appropriate and corrective  
10 action.

11 169. Only after the publication by the *Los Angeles Times*' exposé article several days  
12 ago, did Plaintiffs become aware that they were subjected to unlawful actions by Defendant  
13 Tyndall and that his purported exam was merely a ruse for his own sexual gratification.

14 170. Defendants and each of them, owed Plaintiffs a duty of care to act in a reasonable  
15 and ordinary manner so as not to cause Plaintiffs any foreseeable harm.

16 171. Defendants, and each of them, failed to use ordinary and reasonable care in order to  
17 avoid injury to Plaintiffs. This includes, but is not limited to, Defendants' failure to exercise a  
18 duty of care to avoid Defendant Tyndall's sexual harassment and sexual assault of female student  
19 patients, including Plaintiffs.

20 172. Plaintiffs are informed and believe and thereon allege that Defendants, and each of  
21 them, knew or should have known that Plaintiffs were being subjected to sexual harassment and/or  
22 an unlawful battery by reason of Defendant Tyndall's unlawful actions which had been reported to  
23 Defendants decades ago.

24 173. Plaintiffs are informed and thereon allege that despite being informed of Defendant  
25 Tyndall's unlawful conduct, Defendants, and each of them, failed to discipline Defendant Tyndall  
26 and kept him in their employ, thereby ratifying said unlawful conduct.

27 174. The conduct of Defendants, and each of them, constitutes negligence and is  
28 actionable under the laws of the State of California. As a direct and proximate result of the acts of

1 Defendants, upon learning of the *Los Angeles Times*' exposé, Plaintiffs have suffered emotional  
2 distress, fear embarrassment, nervousness, nausea, anxiety, worry, shame, humiliation, distress,  
3 shock and sleeplessness and other physical manifestations.

4 175. Defendants' conduct was reckless and with a conscious disregard of Plaintiffs'  
5 rights. Plaintiffs are therefore entitled to an award of punitive damages against Defendants in an  
6 amount to be determined by proof at trial.

7 **TENTH CAUSE OF ACTION**

8 **(Fraudulent Misrepresentation Against Defendants USC,  
9 and Does 1-100)**

10 176. Plaintiffs repeat and reallege by reference each and every allegation contained  
11 hereinabove and incorporates the same herein as though fully set forth herein.

12 177. Defendants represented to plaintiffs that they were receiving a gynecological  
13 examination when in truth they were being harassed, molested and abused by Defendant Tyndall.

14 178. Defendants' representation was false.

15 179. Defendants knew that the representation was false when made and without regard  
16 for its truth.

17 180. Defendants intended that Plaintiffs rely on the representation; and Plaintiffs  
18 reasonably relied on Defendants' representation.

19 181. As a direct and proximate result of Defendants' unlawful conduct as alleged  
20 hereinabove, Plaintiffs have suffered severe emotional distress, humiliation, embarrassment,  
21 mental and anxiety, all in an amount exceeding the jurisdictional minimum of the Superior Court  
22 according to proof at trial.

23 182. Plaintiffs' reliance on Defendants' representation was a substantial factor in causing  
24 Plaintiffs harm.

25 183. Defendants' conduct was reckless and with a conscious disregard of Plaintiffs'  
26 rights. Plaintiffs are therefore entitled to an award of punitive damages against Defendants in an  
27 amount to be determined by proof at trial.

28 ///

1 **ELEVENTH CAUSE OF ACTION**

2 **(Negligent Misrepresentation Against Defendants USC and Does 1-100)**

3 184. Plaintiffs repeat and reallege by reference each and every allegation contained  
4 hereinabove and incorporate the same herein as though fully set forth herein.

5 185. Defendants misrepresented that Defendant Tyndall was a professional gynecologist,  
6 without reasonable ground for believing it to be true (inasmuch as Defendants had been aware of  
7 Defendant Tyndall's sexually inappropriate behavior for decades), and with intent to induce  
8 Plaintiffs' reliance.

9 186. Defendants represented to plaintiffs that they were receiving a gynecological  
10 examination when in truth they were being sexually harassed, molested and abused by Defendant  
11 Tyndall.

12 187. Plaintiffs were ignorant of the truth until they read the May 2018 *Los Angeles*  
13 *Times* exposé and/or the letter from Defendant USC President Nikias and justifiably relied upon  
14 Defendants' misrepresentation.

15 188. As a direct and proximate result of Defendants' unlawful conduct as alleged  
16 hereinabove, Plaintiffs have suffered severe emotional distress, humiliation, embarrassment,  
17 mental and anxiety, all in an amount exceeding the jurisdictional minimum of the Superior Court  
18 according to proof at trial.

19 **TWELFTH CAUSE OF ACTION**

20 **(Intentional Infliction of Emotional Distress Against All Defendants)**

21 189. Plaintiffs repeat and reallege by reference each and every allegation contained  
22 hereinabove and incorporates the same herein as though fully set forth herein.

23 190. By engaging in the above described conduct, Defendants engaged in extreme and  
24 outrageous conduct with the intention of causing, or reckless disregard of the probability of  
25 causing, emotional distress.

26 191. Upon learning of the *Los Angeles Times*' exposé and/or Defendant USC President  
27 Nikias letter, Plaintiffs have suffered emotional distress, fear embarrassment, nervousness, nausea,  
28 anxiety, worry, shame, humiliation, distress, shock and sleeplessness and other physical

1 manifestations.

2 192. Plaintiffs' damages were the actual and proximate causation of the emotional  
3 distress caused by Defendants' outrageous conduct.

4 193. Defendants' conduct was reckless and with a conscious disregard of Plaintiffs'  
5 rights. Plaintiffs are therefore entitled to an award of punitive damages against Defendants in an  
6 amount to be determined by proof at trial.

7 **THIRTEENTH CAUSE OF ACTION**

8 **(Negligent Infliction of Emotional Distress Against Defendants USC and Does 1-100)**

9 194. Plaintiffs repeat and reallege by reference each and every allegation contained  
10 hereinabove and incorporates the same herein as though fully set forth herein.

11 195. Plaintiffs are informed and believe that decades ago, Defendants USC learned that  
12 Defendant Tyndall was sexually harassing and/or sexually assaulting female patients.

13 196. Plaintiffs recently learned that Defendants had known of Defendant Tyndall's  
14 sexual harassment and sexual assaults of other women and failed to take appropriate and corrective  
15 action.

16 197. Plaintiffs are informed and believe that had Defendants USC taken prompt and  
17 corrective action against Defendant Tyndall, that they would not have been sexually harassed nor  
18 sexually battered.

19 198. Defendants owed Plaintiffs a duty of care to act in a reasonable and ordinary  
20 manner so as not to cause Plaintiffs any foreseeable harm.

21 199. Defendants failed to use ordinary and reasonable care in order to avoid injury to  
22 Plaintiffs. This includes, but is not limited to, Defendant Tyndall's sexual harassment and assault  
23 and Defendants' failure to exercise a duty of care to avoid Defendant Tyndall's sexual harassment  
24 and sexual assault of female student patients, including Plaintiffs causing them injury.

25 200. Plaintiffs are informed and believe and thereon allege that Defendants and each of  
26 them, knew or should have known that Plaintiffs were being subjected to sexual harassment and/or  
27 an unlawful battery by reason of Defendant Tyndall's unlawful actions which had been reported to  
28



1 Defendants decades ago.

2 201. Plaintiffs are informed and thereon allege that despite being informed of Defendant  
3 Tyndall's unlawful conduct, Defendants and each of them failed to take action to discipline  
4 Defendant Tyndall and kept him in their employ, thereby ratifying said unlawful conduct.

5 202. The conduct of Defendants constitutes negligence and is actionable under the laws  
6 of the State of California. As a direct and proximate result of the acts of Defendants, upon  
7 learning of the *Los Angeles Times*' exposé and/or Defendant USC President Nikias' letter,  
8 Plaintiffs have suffered emotional distress, fear embarrassment, nervousness, nausea, anxiety,  
9 worry, shame, humiliation, distress, shock and sleeplessness and other physical manifestations.

10 **WHEREFORE**, Plaintiffs pray judgment be entered in their favor against Defendants, and  
11 each of them, as follows:

- 12 1. For a money judgment representing compensatory damages including consequential  
13 damages, lost wages, earning, and all other sums of money, together with interest  
14 on these amounts, according to proof;
- 15 2. For an award of money judgment for mental pain and anguish and severe emotional  
16 distress, according to proof;
- 17 3. For punitive and exemplary damages according to proof;
- 18 4. For attorneys' fees and costs;
- 19 5. For such other and further relief as the Court may deem just and proper.

20 **JURY TRIAL DEMANDED**

21 Plaintiffs demand trial of all issues by jury.

22  
23 DATED: August 3, 2018

ALLRED, MAROKO & GOLDBERG

24  
25 By: 

26 GLORIA ALLRED  
27 NATHAN GOLDBERG  
28 DOLORES Y. LEAL  
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