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Superior Court of California
County of Los Angeles

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Sherri R. Carter, Executive Officer/Clerk of Court
By Jenny Tang, Deputy

24 SUPERIOR COURT OF THE STATE OF CALIFORNIA
25 FOR THE COUNTY OF LOS ANGELES

26 JANE DOE 46; JANE DOE 47; JANE DOE 48;) CASE NO.: **18STCV01119**
27 JANE DOE 49; JANE DOE 50; JANE DOE 51;)
28 JANE DOE 52; JANE DOE 53; JANE DOE 54;)
29 JANE DOE 55; JANE DOE 56; JANE DOE 57;) COMPLAINT FOR DAMAGES FOR:
30 JANE DOE 58; JANE DOE 59; JANE DOE 60;)
31 JANE DOE 61; JANE DOE 62; JANE DOE 63;) 1. SEXUAL HARASSMENT (Civil Code §§
32 JANE DOE 64; JANE DOE 65; JANE DOE 66;) 51.9 AND 52);
33 JANE DOE 67; JANE DOE 68; JANE DOE 69;) 2. GENDER VIOLENCE (Civil Code §
34 JANE DOE 70; JANE DOE 71; JANE DOE 72;) 52.4);
35 JANE DOE 73; JANE DOE 74; JANE DOE 75;) 3. VIOLATION OF BANE ACT (Civil Code
36 JANE DOE 76; JANE DOE 77; JANE DOE 78;) § 52.1;
37 JANE DOE 79; JANE DOE 80; JANE DOE 81;)

COMPLAINT FOR DAMAGES; JURY TRIAL DEMAND

BY FAX

1 JANE DOE 82; JANE DOE 83; JANE DOE 84;)
 2 JANE DOE 85; JANE DOE 86; JANE DOE 87;)
 3 JANE DOE 88; JANE DOE 89; JANE DOE 90;)
 4 JANE DOE 91; JANE DOE 92; JANE DOE 93;)
 5 JANE DOE 94; JANE DOE 95; JANE DOE 96;)
 6 and JANE DOE 97,)
 7)
 8 Plaintiffs,)
 9)
 10 v.)
 11)
 12 GEORGE TYNDALL, M.D.; UNIVERSITY OF)
 13 SOUTHERN CALIFORNIA, a California)
 14 Corporation; and DOES 1 through 100, Inclusive,)
 15)
 16 Defendants.)
 17)
 18)
 19)
 20)
 21)
 22)
 23)
 24)
 25)

- 4. SEXUAL ASSAULT & BATTERY (Civil Code §§ 52.1 AND 1708.5);
- 5. SEXUAL ABUSE AND HARASSMENT IN THE EDUCATIONAL SETTING (Education Code § 220);
- 6. UNFAIR BUSINESS PRACTICES (Business and Professions Code § 17200);
- 7. VIOLATION OF TITLE IX (20 U.S.C. § 1681);
- 8. NEGLIGENCE;
- 9. NEGLIGENCE PER SE;
- 10. NEGLIGENT HIRING, SUPERVISION, AND RETENTION;
- 11. NEGLIGENT FAILURE TO WARN, TRAIN, OR EDUCATE;
- 12. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS; and
- 13. CONSTRUCTIVE FRAUD/CONCEALMENT (Civil Code § 1573)

JURY TRIAL DEMANDED

16 COME NOW PLAINTIFFS, JANE DOE 46; JANE DOE 47; JANE DOE 48; JANE DOE 49;
 17 JANE DOE 50; JANE DOE 51; JANE DOE 52; JANE DOE 53; JANE DOE 54; JANE DOE 55; JANE
 18 DOE 56; JANE DOE 57; JANE DOE 58; JANE DOE 59; JANE DOE 60; JANE DOE 61; JANE DOE
 19 62; JANE DOE 63; JANE DOE 64; JANE DOE 65; JANE DOE 66; JANE DOE 67; JANE DOE 68;
 20 JANE DOE 69; JANE DOE 70; JANE DOE 71; JANE DOE 72; JANE DOE 73; JANE DOE 74; JANE
 21 DOE 75; JANE DOE 76; JANE DOE 77; JANE DOE 78; JANE DOE 79; JANE DOE 80; JANE DOE
 22 81; JANE DOE 82; JANE DOE 83; JANE DOE 84; JANE DOE 85; JANE DOE 86; JANE DOE 87;
 23 JANE DOE 88; JANE DOE 89; JANE DOE 90; JANE DOE 91; JANE DOE 92; JANE DOE 93; JANE
 24 DONE 94, JANE DONE 95; JANE DOE 96, and JANE DOE 97, who allege and complain as follows:

INTRODUCTION

26 1. Universities charge a fee in exchange for academic courses, and yet, to their students, the
 27 college experience is far more than a mere financial exchange. Universities provide living spaces, but they
 28 are something more than students' landlords. Universities provide food services and athletic opportunity.

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1 but no one mistakes them for mere restaurants or the local church-league softball team. In short, for those
2 students passing through the halls of these institutions, the college experience is special. Universities
3 provide a community for their students.

4 2. The university's reach extends to nearly every aspect of student life, having the power to
5 influence a student's values, consciousness, relationships, and behavior. Students must look to their
6 university community for guidance, insight, growth, structure, and safety. For these reasons, among
7 others, the university-student relationship is a paradigmatic special relationship that imposes special duties
8 upon the university in interacting with its students.

9 3. For many students, some of whom are still teenagers, college is the first time they have
10 lived away from their parents or the family home. Parents are nervous as they entrust their children to the
11 universities. They realize that this is the time when their children may struggle as they begin learning how
12 to navigate the adult world independently. Knowing that through this struggle their children will grow,
13 the parents are comforted in believing that the university will protect and keep their children safe.

14 4. Plaintiffs are members of the UNIVERSITY OF SOUTHERN CALIFORNIA ("USC")
15 community who attended the university at various times between 1987 and 2013. Each in their own way,
16 Plaintiffs lived, learned, and grew during their time at USC. Plaintiffs trusted USC to provide guidance,
17 teaching, safety, and security. However, Plaintiffs' trust was betrayed. At different times during their own
18 tenure at USC, Plaintiffs required gynecological care. For many of them, this was their first visit to a
19 gynecologist and their first time procuring medical treatment on their own. Quite naturally, they trusted
20 that their own university could provide safe, professional quality medical care at the on-campus Student
21 Health Center. It was through the services provided by USC that each Plaintiff came under the supposed
22 "care" of GEORGE TYNDALL, M.D. ("TYNDALL".) In lieu of the proper gynecological care that each
23 Plaintiff sought, TYNDALL used his position of inherent trust and authority to sexually abuse, harass,
24 molest, and violate Plaintiffs. USC facilitated and was complicit in these unconscionable acts because it
25 suppressed and concealed years of complaints about TYNDALL'S sexually charged and deviant
26 comments and behavior. Such suppression and concealment provided cover for TYNDALL and allowed
27 him many years of unfettered sexual access to young female students—including Plaintiffs. It was only
28 through Defendant USC's active concealment and willful indifference that TYNDALL was able to abuse

1 Plaintiffs. For these transgressions, for these breaches of trust and of the duties owed to them, Plaintiffs
2 seek justice.

3 **JURISDICTION AND VENUE**

4 5. The Court has personal jurisdiction over Defendants pursuant to California Code of Civil
5 Procedure § 410.10 because they are located in California, are doing substantial business in California,
6 have committed acts or omissions in California with respect to one or more causes of action arising from
7 these acts or omissions, and have caused effects in California with respect to one or more causes of action
8 arising from these effects.

9 6. Venue is proper in Los Angeles County because Defendants are subject to personal
10 jurisdiction here and some or all of the incidents giving rise to PLAINTIFFS' claims, as well as
11 PLAINTIFFS' injuries, occurred here.

12 **PARTIES**

13 7. Plaintiffs incorporate all foregoing paragraphs of this Complaint as though fully set forth
14 herein.

15 8. Plaintiff JANE DOE 46 is a resident of the State of California.

16 9. Plaintiff JANE DOE 47 is a resident of Canada.

17 10. Plaintiff JANE DOE 48 is a resident of the State of California.

18 11. Plaintiff JANE DOE 49 is a resident of the State of California.

19 12. Plaintiff JANE DOE 50 is a resident of the State of California.

20 13. Plaintiff JANE DOE 51 is a resident of the State of Nevada.

21 14. Plaintiff JANE DOE 52 is a resident of the State of Nevada.

22 15. Plaintiff JANE DOE 53 is a resident of the State of New York.

23 16. Plaintiff JANE DOE 54 is a resident of the State of California.

24 17. Plaintiff JANE DOE 55 is a resident of the State of California.

25 18. Plaintiff JANE DOE 56 is a resident of the State of California.

26 19. Plaintiff JANE DOE 57 is a resident of the State of California.

27 20. Plaintiff JANE DOE 58 is a resident of the State of California.

28 21. Plaintiff JANE DOE 59 is a resident of the State of California.

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- 1 22. Plaintiff JANE DOE 60 is a resident of the State of California.
2 23. Plaintiff JANE DOE 61 is a resident of the State of California.
3 24. Plaintiff JANE DOE 62 is a resident of the State of California.
4 25. Plaintiff JANE DOE 63 is a resident of the State of California.
5 26. Plaintiff JANE DOE 64 is a resident of the State of Texas.
6 27. Plaintiff JANE DOE 65 is a resident of the State of California.
7 28. Plaintiff JANE DOE 66 is a resident of the State of Nevada.
8 29. Plaintiff JANE DOE 67 is a resident of the State of Hawai'i.
9 30. Plaintiff JANE DOE 68 is a resident of the State of California.
10 31. Plaintiff JANE DOE 69 is a resident of the State of Washington.
11 32. Plaintiff JANE DOE 70 is a resident of the State of Massachusetts.
12 33. Plaintiff JANE DOE 71 is a resident of the State of California.
13 34. Plaintiff JANE DOE 72 is a resident of the State of California.
14 35. Plaintiff JANE DOE 73 is a resident of the State of Washington.
15 36. Plaintiff JANE DOE 74 is a resident of the State of California.
16 37. Plaintiff JANE DOE 75 is a resident of the State of California.
17 38. Plaintiff JANE DOE 76 is a resident of the State of Illinois.
18 39. Plaintiff JANE DOE 77 is a resident of the State of Texas.
19 40. Plaintiff JANE DOE 78 is a resident of the State of California.
20 41. Plaintiff JANE DOE 79 is a resident of the State of Maryland.
21 42. Plaintiff JANE DOE 80 is a resident of the State of Wisconsin.
22 43. Plaintiff JANE DOE 81 is a resident of the State of California.
23 44. Plaintiff JANE DOE 82 is a resident of the State of California.
24 45. Plaintiff JANE DOE 83 is a resident of the State of California.
25 46. Plaintiff JANE DOE 84 is a resident of the State of California.
26 47. Plaintiff JANE DOE 85 is a resident of the State of California.
27 48. Plaintiff JANE DOE 86 is a resident of the State of California.
28 49. Plaintiff JANE DOE 87 is a resident of the State of California.

1 50. Plaintiff JANE DOE 88 is a resident of Fairlight, East Sussex, England, United Kingdom
2 51. Plaintiff JANE DOE 89 is a resident of the State of Tennessee.
3 52. Plaintiff JANE DOE 90 is a resident of the State of Georgia.
4 53. Plaintiff JANE DOE 91 is a resident of the State of California.
5 54. Plaintiff JANE DOE 92 is a resident of the State of Pennsylvania.
6 55. Plaintiff JANE DOE 93 is a resident of the State of California.
7 56. Plaintiff JANE DOE 94 is a resident of the State of California.
8 57. Plaintiff JANE DOE 95 is a resident of the State of Iowa.
9 58. Plaintiff JANE DOE 96 is a resident of the State of California.
10 59. Plaintiff JANE DOE 97 is a resident of Brampton, Ontario, Canada.
11 60. Defendant, GEORGE TYNDALL, M.D. at all times material hereto, was and is an adult
12 male individual, who, upon and information and belief, was a resident of the State of California during
13 the period of time during which the sexual abuse, harassment, molestation, and violation of PLAINTIFFS
14 occurred. Defendant TYNDALL may be personally served at his residence or wherever he may be found.
15 61. Defendant, UNIVERSITY OF SOUTHERN CALIFORNIA, at all times material hereto,
16 was and is a California corporation, having its principal place of business in the State of California, County
17 of Los Angeles. Defendant USC may be served by and through its registered agent.
18 62. The true names and capacities, whether individual, corporate, associate or otherwise, of
19 Defendants DOES 1 through 100 inclusive, are unknown to Plaintiff, who therefore sue said Defendants
20 by said fictitious names. Plaintiffs are informed and believe, and thereon allege, that each of said
21 Defendants is negligently or otherwise responsible in some manner for the events and happenings herein
22 referred to, and negligently or otherwise caused injuries and damages proximately thereby to Plaintiffs as
23 herein alleged. Plaintiffs will amend this Complaint and insert the correct names and capacities of those
24 Defendants when they are discovered.
25 63. At all times mentioned herein, each and every Defendant was an employee, agent, and/or
26 servant of Defendant USC and DOES 1 through 100, inclusive, and/or was under their complete control
27 and/or supervision. Defendants and each of them are individuals, corporations, partnerships, and/or other
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1 68. Defendant USC is a well-known private research university with nationally-popular
2 intercollegiate athletic programs. In its history, USC's sports teams' successes have outpaced those of the
3 university. However, in response, the university took upon itself an aggressive fundraising and recruiting
4 campaign to remake its image and reputation. With promises of top-notch facilities, ideal location, job
5 opportunities, and a welcoming, productive, and safe academic and work environment, Defendant USC's
6 efforts have met with considerable success. Defendant USC has successfully courted top-tier students and
7 faculty and holds itself out as one of the world's most elite, prestigious, and reputable institutions of higher
8 learning. USC claims to offer an "outstanding education accessible to a highly talented and diverse student
9 body" and an environment "where living and learning, college and community find a new home together."
10 Much of this success was made possible by remarkable success in fundraising.

11 69. According to USC's own financial report for 2017, its endowment had swelled to
12 approximately \$5.1 billion—making it one of the top 50 wealthiest schools in the country. USC set its
13 own goal of securing \$6 billion in private support and accomplished this goal over a year ahead of
14 schedule, calling it one of "the most successful campaigns in higher education." During the 2017 academic
15 year, more than 45,000 students were enrolled at USC—19,000 of whom were undergraduates and 26,000
16 were pursuing a graduate education. As the endowment and funds available to the university began to
17 balloon, so too has the cost of attendance for students. Currently, an undergraduate student at USC can
18 expect to incur approximately \$75,000 in costs per year—making it one of the costliest universities in the
19 country. The cost of a four-year degree at USC now approaches \$300,000 with tuition increases likely to
20 push the costs beyond that mark. Yet, while USC was experiencing a boon to its finances and reputation,
21 it was actively neglecting the growing chorus of complaints regarding one of its employees who was given
22 direct, intimate, and sexual access to a multitude of young female students—students to whom USC owed
23 a duty to foster and protect.

24 70. Following earning his medical degree from the Medical College of Pennsylvania in 1985
25 and completing his residency in Obstetrics and Gynecology at Kaiser Foundation Hospital in Los Angeles,
26 California, in 1989, Defendant TYNDALL took a position at USC's student health clinic as a full-time
27 gynecologist. TYNDALL took this job over other higher paying offers for the opportunity to work with
28 the bright, sophisticated women of what he called "the Stanford of the South." TYNDALL'S excitement

1 with his new position was even reflected on his personalized license plate at the time that read
2 "COEDDOC." It was not very long following TYNDALL'S hiring that problems began to arise. Many
3 male gynecologists embrace the practice of having chaperones—typically a female nurse or medical
4 assistant—accompany the gynecologist and the patient in the examination room. This practice was
5 followed by USC and TYNDALL and USC employees would chaperone students while in the
6 examination room with TYNDALL. From the beginning, chaperones began to become alarmed by the
7 frequency with which TYNDALL would photograph patient's genitalia. This issue was raised by staff of
8 the clinic to the university administrators and supposedly addressed.

9 71. Students also raised their own concerns to the administration. In the early 2000s, at least
10 three patients submitted letters complaining about inappropriate touching and remarks. The clinic
11 oversight committee believed something needed to be done to address the "unusual" number of letters
12 received, but by all appearances no action was ever taken. USC itself has disclosed that it received at least
13 eight complaints against TYNDALL from 2000 to 2014.

14 72. Five years ago, with the opening of a grand, brand-new student health center, the problems
15 only intensified. TYNDALL would frequently have student-patients—many of whom had never had a
16 gynecological examination before or were entirely unfamiliar with American medical customs—strip
17 naked and lie on the examination table so that he could slowly inspect every part of their body, including
18 the area between their buttocks. All the while, during his "inspection," TYNDALL would make unseemly
19 and sexually charged comments about students, "flawless" and "creamy" skin, their "perky breasts," or
20 whatever other part of the anatomy caught his fancy. In spring of 2013, eight chaperones reported their
21 concerns to their supervisor and ultimately to the clinic's executive director. A purported investigation
22 was conducted which USC says found no violation of school policy.

23 73. TYNDALL remained undeterred and his behavior only worsened. Chaperones report
24 witnessing TYNDALL sexually insert his fingers into his patient's vaginas during pelvic exams and
25 repeatedly move his fingers in and out of patients. This was all accompanied by "creepy" and off-putting
26 commentary by TYNDALL about how "tight" the young women were and how much their boyfriends are
27 "gonna love it." Again, both students and chaperones complained, and supervisors said, "they would look
28

1 into it,” but no action was taken against TYNDALL or to protect students, and Defendant TYNDALL was
2 free to carry on with his business as normal—seeing an estimated 16 young women per day.

3 74. It was not until June 2016 that anyone from USC began to take real action against
4 TYNDALL and even then change was slow to follow. The chaperones’ supervisor, Gilbert, after
5 witnessing at least a dozen pelvic exams she felt were inappropriate and witnessing TYNDALL ask to
6 keep an intrauterine device covered in blood and tissue he had just removed from a young woman, finally
7 went to USC’s rape crisis center. While TYNDALL was away on vacation, Gilbert and other employees
8 gained access to TYNDALL’S office where they discovered a hidden box of photographs of patients’
9 genitals dating back to 1990. Only then did USC take any action by phoning TYNDALL and telling him
10 to not return to the campus and the clinic. What followed was an investigation into the photographs and
11 complaints that lasted until January 2017, while TYNDALL continued to collect his salary. An
12 independent consulting firm and gynecologist concluded that TYNDALL had exhibited unprofessional
13 and inappropriate behavior and had exceeded current standards of care. No criminal activity was reported
14 to the authorities, however.

15 75. In January 2017, TYNDALL was called to the outskirts of campus where he was informed
16 that he had violated USC’s policy on sexual harassment and was slated for termination. While the exact
17 details of what happened next are in dispute, on June 30, 2017, Defendant USC allowed Defendant
18 TYNDALL to quietly resign, financial settlement in hand, in a continued attempt to conceal TYNDALL’S
19 decades-long serial sexual abuse and violation of USC students and to preserve USC’s public image, to
20 avoid criminal consequences and civil liability, and prevent irreparable damage to its standing, particularly
21 among prospective students and donors.

22 76. While TYNDALL’S and USC’S accounts of the last days of TYNDALL’S employment
23 with USC vary, what really matters is that for 27 years Defendant TYNDALL perpetrated serial sexual
24 abuse, harassment, molestation, and violation upon young “Trojan Women,” aided and abetted by the
25 willful indifference and active concealment of USC. While the acts of Defendant TYNDALL are
26 repugnant and appalling, Defendant USC’s complicity cannot be overstated. Complaint after complaint
27 was lodged to utterly no effect. “Investigations” went nowhere. Perhaps the greatest act of betrayal was
28 by the chaperones who were supposed to protect these women when they were most vulnerable. For every

1 chaperone who spoke out or voiced a complaint, how many instances of sexual abuse, harassment,
2 molestation, and violation did they sit through before they reported TYNDALL? How many chaperones
3 never said a word and violated the duty they owed to TYNDALL'S victims? For whatever else might be
4 said, for nearly three decades Defendant TYNDALL exploited his position of trust and authority to satiate
5 his own prurient desires.

6 *Plaintiffs*

7 PLAINTIFF JANE DOE 46

8 77. Plaintiff JANE DOE 46 attended USC from 2014 through 2016.

9 78. During her time as a student, JANE DOE 46 made an appointment through the on-campus
10 Student Health Clinic for gynecological care. JANE DOE 46 paid the additional fees to ensure she had
11 access to healthcare, so she relied on USC's Student Health Clinic for all of her medical needs. More
12 importantly, she trusted that USC would take care to provide only the safest, most professional
13 practitioners to work in the on-campus Clinic. JANE DOE 46 believed that she could trust the doctors and
14 staff of the Student Health Clinic because they were provided by her university. JANE DOE 46's trust
15 was, however, sadly misplaced.

16 79. After scheduling a 'wellness' exam, USC assigned JANE DOE 46 to Defendant
17 TYNDALL to perform the gynecological services JANE DOE 46 needed. During the course of the exam,
18 JANE DOE 46 was sexually assaulted, harassed, molested, and violated by Defendant TYNDALL all
19 while under the supposed care and protection of Defendant USC. JANE DOE 46 JANE DOE 91 JANE
20 DOE 46 When it came time for the pelvic exam, TYNDALL JANE DOE 46 and prior to using the
21 speculum, TYNDALL inserted his ungloved fingers into JANE DOE 46's vagina and began moving his
22 fingers around inside of her. All of this took place under the supposed care and protection of USC's
23 "chaperones"—Clinic staff members who were present and witnessed TYNDALL's inappropriate
24 comments and behavior. These chaperones stood by silently while TYNDALL sexually assaulted,
25 harassed, molested, and violated JANE DOE 46. In a perverse twist, it was those USC staff members who
26 were supposed to protect JANE DOE 46 that made JANE DOE 46 believe that TYNDALL's conduct was
27 appropriate and that he was simply performing a legitimate, albeit uncomfortable, medical procedure.
28 JANE DOE 46 assumed that the chaperone's silence and non-intervention indicated that what was

1 occurring was perfectly normal and natural. It was not until many years later, in May 2018, when the truth
2 of TYNDALL's conduct and USC's cover-up were reported in the national media that JANE DOE 46
3 discovered the truth of what had occurred.

4 PLAINTIFF JANE DOE 47

5 80. JANE DOE 47 attended USC from 1989 through 1990.

6 81. JANE DOE 47 saw TYNDALL in the Spring of 1990. JANE DOE 47 JANE DOE 47 JANE
7 DOE 47 TYNDALL instructed JANE DOE 47 to remove all of her clothes for the examination. She was
8 not provided with a gown. Prior to inserting the speculum, TYNDALL inserted his ungloved fingers into
9 JANE DOE 47's vagina. Upon removing his fingers, TYNDALL then held them to his nose and smelled
10 them. He then performed a breast examination that was not clinical in nature and left HANE DOE 2 feeling
11 violated and creepy.

12 82. This all took place under the supposed care and protection of USC's chaperones who were
13 supposed to protect JANE DOE 47 from this sort of behavior. These chaperones stood by silently while
14 TYNDALL sexually assaulted, harassed, molested, and violated JANE DOE 47. JANE DOE 47 thought
15 that the examination must have been normal because the chaperones did nothing to stop or correct
16 TYNDALL. It was not until May 2018 that JANE DOE 47 discovered that she had not been subjected to
17 a perfectly normal medical procedure. It was only after TYNDALL's sexual predation of USC students
18 and USC's cover-up was exposed in the national media that JANE DOE 47 discovered she had been
19 sexually assaulted, harassed, molested, and violated by TYNDALL.

20 PLAINTIFF JANE DOE 48

21 83. In 2006, while a student at USC, JANE DOE 48 decided to utilize the on-campus Student
22 Health Clinic for her gynecological and medical needs. The USC Clinic then provided her an appointment
23 with Defendant TYNDALL for a gynecological examination.

24 84. TYNDALL insisted that JANE DOE 48 have a pelvic examination even though she had
25 received a normal Pap smear result and had recently had a pelvic examination with another clinician.
26 Essentially, TYNDALL was inventing reasons for JANE DOE 48 to have pelvic examinations. JANE
27 DOE 48 never imagined that USC would employ and hold out TYNDALL as a safe and competent
28 medical provider after discovering the true nature of TYNDALL's acts in May 2018. Unfortunately, JANE

1 DOE 48 realized the extent and true nature of what had occurred when TYNDALL's behavior was
2 exposed in the national media.

3 PLAINTIFF JANE DOE 49

4 85. JANE DOE 49 attended USC from 2014 through 2017.

5 86. JANE DOE 49 required a gynecological examination during her time at USC and opted for
6 using the on-campus Student Health Clinic which she had already paid for as part of her tuition. JANE
7 DOE 49 sought care for symptoms of uterine fibroids. Once in the examination room, TYNDALL would
8 tell JANE DOE 49 how beautiful her smile was, how "physically fit" she looked, and would comment
9 that she must be a student athlete. During the exam, Tyndall's comments became more inappropriate. He
10 told JANE DOE 4, "Oh, you were definitely a runner. You have muscles in areas most women don't have.
11 That's not a bad thing!"

12 87. Additionally, during another exam, TYNDALL placed his fingers on JANE DOE 4's *labia*
13 *majora* and asked her if they had always been "swollen." When JANE DOE 49 replied that was her normal
14 condition, TYNDALL continued placing his fingers on her *labia majora*. He told her that he wanted to
15 make sure the swelling was "normal."

16 88. TYNDALL also chose to perform a rectal examination on JANE DOE 49 without any
17 clinical indication for doing so. He made disturbing comments about her *gluteal* muscles (adding to the
18 "physically fit" remarks referenced above) and how it seems common in most black women to have such
19 muscles within that area.
20

21
22 89. After one examination, TYNDALL met JANE DOE 49 in his office. He pried her for
23 information about her sexual partners and insisted that she be on birth control, even though she explained
24 that she was not sexually active.

25 90. JANE DOE 49 left each of her appointments feeling very uncomfortable. She asked the
26 staff at the front desk if she could be scheduled with another doctor (preferably female), but was told that
27 TYNDALL was her only option.
28

1 113. TYNDALL was her doctor for the examination. TYNDALL asked JANE DOE 54 to
2 disrobe while he remained in the room. Although they were not discussing reproduction, he told JANE
3 DOE 54 that she had a "very narrow pelvis" and added that she would likely need a C-Section, but that it
4 was a "good thing."

5 114. TYNDALL performed a pelvic examination without a chaperone in the room. Prior to
6 inserting the speculum, TYNDALL told JANE DOE 54 that he needed to "relax her pelvis." He then
7 inserted his fingers into her vagina.

8 115. TYNDALL performed a breast examination. He was not wearing gloves and it was very
9 rough and painful. It did not seem clinical in nature. JANE DOE 54 found it troubling that TYNDALL
10 would spend so much time looking for potential breast tissue abnormalities on a healthy 19-year-old girl.

11 116. After the examinations, TYNDALL asked JANE DOE 54 which fraternities she liked
12 going to. He followed up by telling her she "could have all the sex [she] wanted." JANE DOE 54

13 117. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's cover
14 up was exposed in the national media, JANE DOE 54 discovered for the first time that she had in fact
15 been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 54 now believes that
16 the lingering and remarks by TYNDALL were his way of sexually abusing, harassing, molesting, and
17 violating JANE DOE 54.

18 PLAINTIFF JANE DOE 55

19 118. JANE DOE 55 attended USC in 2006 - 2009 and 2016-2018.

20 119. JANE DOE 55 sought medical attention from the USC on-campus Student Health Center
21 on multiple occasions. On one visit with TYNDALL, JANE DOE 55 was seeking a referral for prenatal
22 care. TYNDALL questioned her as to why she would not just get an abortion since she was so young. It
23 was extremely uncomfortable and she finally said to him, "I got pregnant *on purpose*," so that he would
24 finally sign the referral form.
25

26 120. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's cover
27 up was exposed in the national media, JANE DOE 55 discovered for the first time that she had in fact
28 been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 55 now believes that

1 TYNDALL's inappropriate touching and inappropriate comments were his way of sexually abusing,
2 harassing, molesting, and violating JANE DOE 55.

3 JANE DOE 56

4 121. JANE DOE 56 attended USC from 2009-2011.

5 122. JANE DOE 56 sought medical attention from the USC on-campus Student Health Center
6 to discuss birth control options and to get a check-up.

7 123. During JANE DOE 56's pelvic exam, TYNDALL said inappropriate comments and
8 exhibited inappropriate behavior.

9 124. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's cover
10 up was exposed in the national media, JANE DOE 56 discovered for the first time that she had in fact
11 been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 56 now believes that
12 TYNDALL's inappropriate touching and inappropriate comments were his way of sexually abusing,
13 harassing, molesting, and violating JANE DOE 56.

14 JANE DOE 57

15 125. JANE DOE 57 attended USC from 2009 - 2011.

16 126. JANE DOE 57 sought medical attention from the USC on-campus Student Health Center
17 in order to obtain a Pap smear. It was her first such examination. There was not a chaperone present during
18 the examination.

19 127. Prior to the examination, TYNDALL required JANE DOE 57 to disrobe completely. He
20 performed a breast examination with ungloved hands.

21 128. Prior to inserting the speculum, TYNDALL inserted his fingers in JANE DOE 57's vagina.
22 He wiggled his fingers around and moved them in and out.

23 129. During the pelvic examination, TYNDALL asked JANE DOE 57 about her menstrual
24 cycles and sexual experiences. TYNDALL also asked about her sexual relationships. JANE DOE 57 told
25 TYNDALL that she was in a long-distance relationship with a man in London. TYNDALL then asked
26 JANE DOE 57 about the details of how they met and what kind of sexual experiences she had with him.

27 130. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's cover
28 up was exposed in the national media, JANE DOE 57 discovered for the first time that she had in fact

1 been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 57 now believes that
2 TYNDALL's inappropriate comments were his way of sexually abusing, harassing, molesting, and
3 violating JANE DOE 57.

4 JANE DOE 58

5 131. JANE DOE 58 attended USC from 2002-2007.

6 132. JANE DOE 58 sought medical attention from the USC on-campus Student Health Center
7 for a pelvic examination.

8 133. TYNDALL photographed JANE DOE 58's genitals JANE DOE 58 during a pelvic exam.

9 134. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's cover
10 up was exposed in the national media, JANE DOE 58 discovered for the first time that she had in fact
11 been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 58 now believes that
12 TYNDALL's inappropriate touching, photographing and inappropriate comments were his way of
13 sexually abusing, harassing, molesting, and violating JANE DOE 58.

14 JANE DOE 59

15 135. JANE DOE 59 attended USC from 1988-1992.

16 136. JANE DOE 59 sought medical attention from the USC on-campus Student Health Center
17 for a pelvic examination.

18 137. TYNDALL inappropriately questioned JANE DOE 59 about her history of orgasms.
19 TYNDALL then offered to help her have one after the examination was completed.

20 138. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's cover
21 up was exposed in the national media, JANE DOE 59 discovered for the first time that she had in fact
22 been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 59 now believes that
23 TYNDALL's inappropriate touching and/or inappropriate comments were his way of sexually abusing,
24 harassing, molesting, and violating JANE DOE 59.

25 JANE DOE 60

26 139. JANE DOE 60 attended USC from 1999-2003.

27 140. JANE DOE 60 sought medical attention from the USC on-campus Student Health Center.
28 JANE DOE 60 was not sexually active at the time she saw TYNDALL.

1 141. During a pelvic examination, TYNDALL removed from JANE DOE 60's vagina a piece
2 of cotton that had broken away from a tampon. TYNDALL insisted that it was an old condom and began
3 accusing JANE DOE 60 of lying to him about being sexually active. JANE DOE 60 did not lose her
4 virginity until the year after she graduated from USC. She was not sexually active at the time and had
5 absolutely no reason to lie to TYNDALL about this fact. JANE DOE 60 was completely baffled how
6 TYNDALL could confuse a piece of tampon with a broken condom.
7

8 142. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's cover
9 up was exposed in the national media, JANE DOE 60 discovered for the first time that she had in fact
10 been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 60 now believes that
11 TYNDALL's inappropriate touching and/or inappropriate comments were his way of sexually abusing,
12 harassing, molesting, and violating JANE DOE 60.

13 JANE DOE 61

14 143. JANE DOE 61 attended USC from 1993-1996.

15 144. JANE DOE 61 sought medical attention from the USC on-campus Student Health Center
16 for birth control.

17 145. TYNDALL inappropriately touched JANE DOE 61 and made inappropriate comments
18 during JANE DOE 61's examination.

19 146. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's cover
20 up was exposed in the national media, JANE DOE 61 discovered for the first time that she had in fact
21 been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 61 now believes that
22 TYNDALL's inappropriate touching and inappropriate comments were his way of sexually abusing,
23 harassing, molesting, and violating JANE DOE 61

24 JANE DOE 62

25 147. JANE DOE 62 attended USC from 1986-1993.

26 148. JANE DOE 62 sought medical attention from the USC on-campus Student Health Center
27 because her breasts were tender. However, even though it was not clinically indicated, TYNDALL chose
28 to perform a pelvic examination. There was not a chaperone in the room during the pelvic examination.

1 149. During the pelvic examination, TYNDALL inserted his ungloved hand into JANE DOE
2 62's vagina. He then asked if she could squeeze her pelvic muscles. He then asked if she knew or was
3 dating any football players.

4 150. TYNDALL inappropriately touched JANE DOE 62 and/or made inappropriate comments
5 during JANE DOE 62's pelvic exam.

6 151. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's cover
7 up was exposed in the national media, JANE DOE 62 discovered for the first time that she had in fact
8 been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 62 now believes that
9 TYNDALL's inappropriate touching and/or inappropriate comments were his way of sexually abusing,
10 harassing, molesting, and violating JANE DOE 62.

11 JANE DOE 63

12 152. JANE DOE 63 attended USC for undergrad from 1989-1993.

13 153. JANE DOE 63 sought medical attention from the USC on-campus Student Health Center
14 to obtain birth control.

15 154. TYNDALL inappropriately touched JANE DOE 63 and/or made inappropriate comments
16 and/or took inappropriate photographs during JANE DOE 63's pelvic exam.

17 155. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's cover
18 up was exposed in the national media, JANE DOE 63 discovered for the first time that she had in fact
19 been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 63 now believes that
20 TYNDALL's inappropriate touching and/or inappropriate comments and/or taking of inappropriate
21 photographs were his way of sexually abusing, harassing, molesting, and violating JANE DOE 63.

22 JANE DOE 64

23 156. JANE DOE 64 attended USC in 2008-2010. JANE DOE 64 sought medical attention from
24 the USC on-campus Student Health Center in connection with pain she was having in her vaginal area.

25 157. TYNDALL told JANE DOE 64, who is of Asian descent, that Asian women have smaller
26 cervixes. In this regard, TYNDALL explained that he would need to confirm this by examining JANE
27 DOE 64's cervix. TYNDALL proceeded to examine her cervix with his fingers.

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1 158. TYNDALL inappropriately touched JANE DOE 64 and/or made inappropriate comments
2 during JANE DOE 64's examination. In May 2018, when the extent and true nature of TYNDALL's
3 behavior and USC's cover up was exposed in the national media, JANE DOE 64 discovered for the first
4 time that she had in fact been sexually abused, harassed, molested, and violated by TYNDALL. JANE
5 DOE 64 now believes that TYNDALL's inappropriate touching and/or inappropriate comments were his
6 way of sexually abusing, harassing, molesting, and violating JANE DOE 64.

7 JANE DOE 65

8 159. JANE DOE 65 attended USC in 2015-2017.

9 160. JANE DOE 65 sought medical attention from the USC on-campus Student Health Center
10 in connection with birth control and an annual pelvic examination.

11 161. TYNDALL told JANE DOE 65, that she did not need a pelvic examination (even though
12 she requested one) and took her to his private office. There was not a chaperone in his office. Once they
13 were in the room, TYNDALL commented on how attractive JANE DOE 65 was. He then asked her
14 continuous questions about her sexual history and upon learning that she had not had many partners, said
15 that "it couldn't be true" and that JANE DOE 65 was "too pretty for that little of partners."

16 162. TYNDALL continued to press JANE DOE 65 about her sexual preferences, and what kinds
17 of sexual encounters she had. This made her extremely uncomfortable but she assumed TYNDALL was
18 inquiring for medical purposes. Indeed, JANE DOE 65 felt she was at a well-known, respected school and
19 assumed she was in safe care.

20 163. TYNDALL then, at great length, told her that as her doctor, he wanted her to be on an
21 IUD instead of the pill. He used a vaginal representation (a model and numerous posters) on his desk to
22 explain the positioning of it and why he thought she needed one. JANE DOE 65 reiterated that she had a
23 high family risk of blood clots and preferred the pill. TYNDALL ignored it and continued to touch the
24 physical model and point to images. This made JANE DOE 65 extremely uncomfortable. In addition to
25 the IUD explanation, TYNDALL also told JANE DOE 65 that "a girl like [her] needed to have 'Plan B'
26 in [her] medicine cabinet" and that he would write her a prescription.

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1 164. TYNDALL continually made remarks about JANE DOE 65's appearance and sex life. She
2 explained that she did not need "Plan B" and that I did not want the prescription. This upset him and sent
3 him into another explanation about how girls like JANE DOE 65 need access to abortions.

4 165. The last part of their conversation was about STDs and that JANE DOE 65 needed to be
5 tested for certain diseases because she was a "pretty girl." He pressed the requirement for JANE DOE 65
6 to get a urine test done to test for gonorrhea and chlamydia. At this point, she was very confused that this
7 conversation was happening in his office and not a medical exam room. TYNDALL was encouraging
8 physical exams and testing but keeping JANE DOE 65 in the confines of his office.

9 166. When JANE DOE 65 stated that she had one long-term partner, was practicing safe sex,
10 and did not feel like this appointment required those tests, he got extremely upset with her. He badgered
11 her as if she were unformed. His personality went from doctor to bully. He continued to make comments
12 using the phrase, "girls like you need ..." and that her number of sexual partners must be a lie, and that
13 an attractive woman like JANE DOE 65 needed access to birth control and abortions.

14 167. The conversation in his office lasted at least a half hour. All for a renewed birth control
15 prescription.

16 168. TYNDALL JANE DOE 65 made inappropriate comments during JANE DOE 65's
17 examination.

18 169. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's cover
19 up was exposed in the national media, JANE DOE 65 discovered for the first time that she had in fact
20 been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 65 now believes that
21 TYNDALL's inappropriate comments were his way of sexually abusing, harassing, molesting, and
22 violating JANE DOE 65.

23 JANE DOE 66

24 170. JANE DOE 66 attended USC from 2014-2016.

25 171. JANE DOE 66 sought medical attention from the USC on-campus Student Health Center
26 for a pelvic exam.

27 172. TYNDALL made inappropriate comments during JANE DOE 66's exam.
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1 TYNDALL instructed JANE DOE 68 to get undressed, whereupon he performed an ultrasound
2 examination. There was not a chaperone in the room.

3 182. During the examination, TYNDALL asked JANE DOE 68 questions about her sexual
4 activity. TYNDALL asked if she had "been with a white guy" before. TYNDALL then performed a full
5 breast examination, during which he asked if she had implants. TYNDALL then commented that JANE
6 DOE 68 had "large, nice breasts" and then squeezed her nipples.

7 183. TYNDALL inappropriately touched JANE DOE 68 and made inappropriate comments
8 during JANE DOE 68's examination.

9 184. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's cover
10 up was exposed in the national media, JANE DOE 68 discovered for the first time that she had in fact
11 been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 68 now believes that
12 TYNDALL's inappropriate touching and inappropriate comments were his way of sexually abusing,
13 harassing, molesting, and violating JANE DOE 68.

14 JANE DOE 69

15 185. JANE DOE 69 attended USC from 2015-2016.

16 186. JANE DOE 69 sought medical attention from the USC on-campus Student Health Center
17 with complaints of excessive bleeding in connection with Polycystic Ovary Syndrome (PCOS).

18 187. JANE DOE 69 is from India and this was her first encounter with an American
19 gynecologist. TYNDALL suggested that JANE DOE 69 have a Pap smear.

20 188. TYNDALL next instructed JANE DOE 69 to remove all of her clothing. There was not a
21 chaperone in the room. Prior to the start of the pelvic examination, TYNDALL inserted several fingers
22 into JANE DOE 69's vagina. TYNDALL then next performed a breast examination. TYNDALL fondled
23 her breasts in a non-clinical manner.

24 189. During the examination, TYNDALL made comments about sexual activities and practices
25 that had little relevance to the examination. For example, TYNDALL pried JANE DOE 69 about her
26 sexual history and the number of times she had sex with each partner.

27 190. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's cover
28 up was exposed in the national media, JANE DOE 69 discovered for the first time that she had in fact

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1 been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 69 now believes that
2 TYNDALL's inappropriate touching and/or inappropriate comments were his way of sexually abusing,
3 harassing, molesting, and violating JANE DOE 69.

4 JANE DOE 70

5 191. JANE DOE 70 attended USC from 2003-2004.

6 192. JANE DOE 70 sought medical attention from the USC on-campus Student Health Center
7 in connection with a hemorrhoid.

8 193. TYNDALL inappropriately touched JANE DOE 70 and/or made inappropriate comments
9 during JANE DOE 70's examination. When he examined her, TYNDALL stuck his finger into her anus,
10 confirmed the hemorrhoid and literally laughed.

11 194. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's cover
12 up was exposed in the national media, JANE DOE 70 discovered for the first time that she had in fact
13 been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 70 now believes that
14 TYNDALL's inappropriate touching and/or inappropriate comments were his way of sexually abusing,
15 harassing, molesting, and violating JANE DOE 70.

16 JANE DOE 71

17 195. JANE DOE 71 attended USC from 1996-1999.

18 196. JANE DOE 71 sought medical attention from the USC on-campus Student Health Center
19 for treatment of a urinary tract infection.

20 197. Without a chaperone in the room, TYNDALL instructed JANE DOE 71 to remove her
21 clothing. He then inserted his fingers into her vagina. He wriggled them around and when he was done,
22 he inserted his fingers into her anus.

23 198. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's cover
24 up was exposed in the national media, JANE DOE 71 discovered for the first time that she had in fact
25 been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 71 now believes that
26 TYNDALL's inappropriate touching and/or inappropriate comments were his way of sexually abusing,
27 harassing, molesting, and violating JANE DOE 71.

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JANE DOE 72

199. JANE DOE 72 attended USC from 2003-2007.

200. JANE DOE 72 sought medical attention from the USC on-campus Student Health Center for consultation and an STD test. After the examination, TYNDALL told JANE DOE 72 that he would only call her if results were "abnormal."

201. When TYNDALL called during class, she excused herself to visit with TYNDALL. When she appeared concerned, TYNDALL laughed and told her that the test was "abnormal" because she *did not* have herpes. He essentially made a joke about a serious and very personal issue.

202. TYNDALL inappropriately touched JANE DOE 72 and made inappropriate comments during JANE DOE 72's pelvic exam.

203. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's cover up was exposed in the national media, JANE DOE 72 discovered for the first time that she had in fact been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 72 now believes that TYNDALL's inappropriate touching and inappropriate comments were his way of sexually abusing, harassing, molesting, and violating JANE DOE 72.

JANE DOE 73

204. JANE DOE 73 attended USC from 2010-2014.

205. JANE DOE 73 sought medical attention from the USC on-campus Student Health Center for a pelvic exam.

206. TYNDALL performed an examination on JANE DOE 73 without the presence of a chaperone. During the examination of JANE DOE 73, he made inappropriate comments and engaged in inappropriate touching.

207. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's cover up was exposed in the national media, JANE DOE 73 discovered for the first time that she had in fact been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 73 now believes that TYNDALL's inappropriate touching and/or inappropriate comments and/or taking of inappropriate photographs were his way of sexually abusing, harassing, molesting, and violating JANE DOE 73.

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JANE DOE 74

208. JANE DOE 74 attended USC from 1991-1995.

209. JANE DOE 74 sought medical attention from the USC on-campus Student Health Center.

210. Each time JANE DOE 74 returned to the clinic, TYNDALL would photograph her vagina. TYNDALL explained that the pictures were being taken "for year to year comparisons."

211. TYNDALL told her that if she did not take the picture, she could not receive treatment
JANE DOE 74

212. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's cover up was exposed in the national media, JANE DOE 74 discovered for the first time that she had in fact been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 74 now believes that TYNDALL's inappropriate touching and inappropriate photographs were his way of sexually abusing, harassing, molesting, and violating JANE DOE 74

JANE DOE 75

213. JANE DOE 75 attended USC in 2017.

214. JANE DOE 75 sought medical attention from the USC on-campus Student Health Center for a pelvic exam.

215. TYNDALL inappropriately touched JANE DOE 75 during JANE DOE 75's pelvic exam.

216. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's cover up was exposed in the national media, JANE DOE 75 discovered for the first time that she had in fact been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 75 now believes that TYNDALL's inappropriate touching were his way of sexually abusing, harassing, molesting, and violating JANE DOE 75.

JANE DOE 76

217. JANE DOE 76 attended USC in 1995.

218. JANE DOE 76 sought medical attention from the USC on-campus Student Health Center for a pelvic exam.

219. TYNDALL inappropriately touched and caressed JANE DOE 76 during JANE DOE 76's pelvic exam. TYNDALL also performed the pelvic examination with an ungloved hand.

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1 refused to provide her with more than a short supply of birth control pills, thereby requiring her to visit
2 again.

3 238. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's cover
4 up was exposed in the national media, JANE DOE 80 discovered for the first time that she had in fact
5 been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 80 now believes that
6 TYNDALL's inappropriate comments were his way of sexually abusing, harassing, molesting, and
7 violating JANE DOE 80.

8 JANE DOE 81

9 239. JANE DOE 81 attended USC FROM 2011-2013.

10 240. JANE DOE 81 sought medical attention from the USC on-campus Student Health Center
11 for her annual examination.

12 241. TYNDALL inappropriately touched JANE DOE 81 when he performed an ungloved pelvic
13 examination.

14 242. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's cover
15 up was exposed in the national media, JANE DOE 81 discovered for the first time that she had in fact
16 been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 81 now believes that
17 TYNDALL's inappropriate touching were his way of sexually abusing, harassing, molesting, and
18 violating JANE DOE 81.

19 JANE DOE 82

20 243. JANE DOE 82 attended USC from 2007-2009.

21 244. JANE DOE 82 sought medical attention from the USC on-campus Student Health Center
22 for a pelvic exam.

23 245. TYNDALL inappropriately touched JANE DOE 82 and/or made inappropriate comments
24 during JANE DOE 82's pelvic exam. A chaperone was not present in the room during the examination.

25 246. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's cover
26 up was exposed in the national media, JANE DOE 82 discovered for the first time that she had in fact
27 been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 82 now believes that
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1 TYNDALL's inappropriate touching and/or inappropriate comments and/or the taking of inappropriate
2 photographs were his way of sexually abusing, harassing, molesting, and violating JANE DOE 82.

3 JANE DOE 83

4 247. JANE DOE 83 attended USC from 2012-2015.

5 248. JANE DOE 83 sought medical attention from the USC on-campus Student Health Center
6 for a pelvic exam.

7 249. TYNDALL inappropriately touched JANE DOE 83 when he performed an ungloved pelvic
8 examination. JANE DOE 83

9 250. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's cover
10 up was exposed in the national media, JANE DOE 83 discovered for the first time that she had in fact
11 been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 83 now believes that
12 TYNDALL's inappropriate touching were his way of sexually abusing, harassing, molesting, and
13 violating JANE DOE 83.

14 JANE DOE 84

15 251. JANE DOE 84 attended USC from late 1990 -1994 and again in 2000.

16 252. JANE DOE 84 sought medical attention from the USC on-campus Student Health Center
17 for in connection with her birth control.

18 253. TYNDALL inappropriately touched JANE DOE 84 during her examination. Specifically
19 TYNDALL performed a pelvic examination without a chaperone in the room. He performed this
20 examination with ungloved hands. Prior to inserting the speculum, he inserted his ungloved fingers and
21 began moving them in a circular direction.

22 254. TYNDALL made inappropriate comments during JANE DOE 84's examination.
23 TYNDALL informed JANE DOE 84 that she was "inverted" and that she and her partner would enjoy
24 sex if "she were on top."

25 255. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's cover
26 up was exposed in the national media, JANE DOE 84 discovered for the first time that she had in fact
27 been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 84 now believes that
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1 TYNDALL's inappropriate touching and inappropriate comments were his way of sexually abusing,
2 harassing, molesting, and violating JANE DOE 84.

3 JANE DOE 85

4 256. JANE DOE 85 attended USC from 2013-2017.

5 257. JANE DOE 85 sought medical attention from the USC on-campus Student Health Center
6 in connection with a urinary tract infection. .

7 258. TYNDALL inappropriately touched JANE DOE 85 and/or made inappropriate comments
8 and/or took inappropriate photographs during JANE DOE 85's examination.

9 259. TYNDALL insisted on performing a breast exam and a pelvic exam saying that he "needed
10 to be sure it wasn't an STD." JANE DOE 85 was familiar with her symptoms and was confident it was
11 only a urinary tract infection. She assured him multiple times that she had had UTIs and knew the pain
12 was from that. TYNDALL insisted on the pelvic examination, stating that he couldn't know whether or
13 not it was a urinary tract infection or a herpes blister near her urethra.

14 260. TYNDALL asked when the last time JANE DOE 85 had a breast exam, and when she said
15 she could not remember, he insisted on performing one.

16 261. During the pelvic exam, TYNDALL then told JANE DOE 85 that he found a blister and
17 prescribed her a herpes medication without waiting for the culture to be analyzed or confirmed. JANE
18 DOE 85 was now devastated that she may have a lifelong virus. After the examination, neither JANE
19 DOE 85 nor her best friend could find "the blister" referenced by TYNDALL. Moreover, the herpes test
20 came back negative and the UTI culture was positive, as JANE DOE 85 had suspected.

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22 262. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's cover
23 up was exposed in the national media, JANE DOE 85 discovered for the first time that she had in fact
24 been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 85 now believes that
25 TYNDALL's inappropriate touching and fabricated diagnoses were his way of sexually abusing,
26 harassing, molesting, and violating JANE DOE 85.

27 JANE DOE 86

28 263. JANE DOE 86 attended USC from 2005-2010.

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JANE DOE 91

283. JANE DOE 91 attended USC from 1998-2000.

284. JANE DOE 91 sought medical attention from the USC on-campus Student Health Center in connection with a urinary tract infection and was seen by TYNDALL.

285. TYNDALL made inappropriate comments during JANE DOE 91's exam.

286. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's cover up was exposed in the national media, JANE DOE 91 discovered for the first time that she had in fact been sexually abused and harassed by TYNDALL. JANE DOE 91 now believes that TYNDALL's inappropriate comments were his way of sexually abusing, harassing, molesting, and violating JANE DOE 91.

JANE DOE 92

287. JANE DOE 92 attended USC in 1996.

288. JANE DOE 92 sought medical attention from the USC on-campus Student Health Center and was seen by TYNDALL. TYNDALL made inappropriate comments and took inappropriate actions during JANE DOE 92's exam.

289. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's cover up was exposed in the national media, JANE DOE 92 discovered for the first time that she had in fact been sexually abused and harassed by TYNDALL. JANE DOE 92 now believes that TYNDALL's inappropriate comments were his way of sexually abusing, harassing, molesting, and violating JANE DOE 92. JANE DOE 92 attended USC from 1996.

JANE DOE 93

290. JANE DOE 93 attended USC from 2009-2011.

291. JANE DOE 93 sought medical attention from the USC on-campus Student Health Center in connection with birth control. TYNDALL made inappropriate comments during JANE DOE 93's exam.

292. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's cover up was exposed in the national media, JANE DOE 93 discovered for the first time that she had in fact been sexually abused and harassed by TYNDALL. JANE DOE 93 now believes that TYNDALL's

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1 inappropriate comments were his way of sexually abusing, harassing, molesting, and violating JANE
2 DOE 92. JANE DOE 93 attended USC from 1996.

3 JANE DOE 94

4 293. JANE DOE 94 attended USC from 2000-2005.

5 294. JANE DOE 94 sought medical attention from the USC on-campus Student Health Center
6 for a pelvic exam.

7 295. TYNDALL made inappropriate comments during JANE DOE 94's exam.

8 296. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's cover
9 up was exposed in the national media, JANE DOE 94 discovered for the first time that she had in fact
10 been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 94 now believes
11 that TYNDALL's inappropriate comments were his way of sexually abusing, harassing, molesting, and
12 violating JANE DOE 94.

13 JANE DOE 95

14 297. JANE DOE 95 attended USC from 2007-2010.

15 298. JANE DOE 95 sought medical attention from the USC on-campus Student Health Center
16 for a pelvic exam.

17 299. TYNDALL made inappropriate comments during JANE DOE 95's exam.

18 300. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's cover
19 up was exposed in the national media, JANE DOE 95 discovered for the first time that she had in fact
20 been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 94 now believes
21 that TYNDALL's inappropriate comments were his way of sexually abusing, harassing, molesting, and
22 violating JANE DOE 95.

23 JANE DOE 96

24 301. JANE DOE 96 attended USC from 2004-2008.

25 302. JANE DOE 96 sought medical attention from the USC on-campus Student Health Center
26 and was seen by TYNDALL.

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1 303. During the examination, TYNDALL repeatedly questioned JANE DOE 96 about her
2 outfit and the clothing she was wearing. He made creepy comments suggesting that he was flirting with
3 her. TYNDALL also repeatedly questioned JANE DOE 96 about whether she was “into bikers.”

4 304. TYNDALL conducted an ungloved pelvic examination in the presence of a chaperone.
5 During the examination, TYNDALL repeatedly commented about the tightness of JANE DOE 96’s
6 vagina.

7 305. In May 2018, when the extent and true nature of TYNDALL’s behavior and USC’s cover
8 up was exposed in the national media, JANE DOE 96 discovered for the first time that she had in fact
9 been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 96 now believes
10 that TYNDALL’s inappropriate touching, and inappropriate comments were his way of sexually
11 abusing, harassing, molesting, and violating JANE DOE 96.

12 JANE DOE 97

13 306. JANE DOE 97 attended USC from 2014-2016. She is originally from the Republic of
14 Korea.

15 307. JANE DOE 97 sought medical attention from the USC on-campus Student Health Center
16 for a pelvic examination and Pap smear. TYNDALL remained in the room while JANE DOE 97
17 undressed and put on her gown. Afterwards, TYNDLALL performed an ungloved pelvic examination.

18 308. TYNDALL inappropriately spoke to JANE DOE 97 about his intimate relations between
19 himself and his wife, who he explained was Filipino. He questioned JANE DOE 97 about her ethnicity
20 and the ethnicity of her sexual partners.

21 309. In May 2018, when the extent and true nature of TYNDALL’s behavior and USC’s cover
22 up was exposed in the national media, JANE DOE 97 discovered for the first time that she had in fact
23 been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 97 now believes that
24 TYNDALL’s inappropriate touching and/or inappropriate comments were his way of sexually abusing,
25 harassing, molesting, and violating JANE DOE 97.

26 *General Allegations*

27 310. At all times material hereto, PLAINTIFFS were students and alumna of USC and were
28 under Defendants USC, TYNDALL’S, and DOES 1 through 101’s complete control, dominion, and

1 supervision. TYNDALL worked for, was employed by, and/or an agent/servant of Defendants USC and/or
2 DOES 1 through 101, when TYNDALL came into contact with PLAINTIFFS.

3 311. At all times material hereto, TYNDALL was under the direct supervision, management,
4 agency, and control of Defendants USC and DOES 1 through 100, inclusive. TYNDALL was a
5 gynecological physician hired, employed, supervised, and retained by Defendants USC and DOES 1
6 through 100, inclusive. While a gynecological physician at Defendants' facility, TYNDALL'S
7 employment duties including providing medical care to the female undergraduate and graduate students
8 of Defendant USC. The purported care offered by TYNDALL included, but was not limited to, conducting
9 gynecological examinations and providing reproductive health treatments to the female students of
10 Defendant USC, including PLAINTIFFS. It was through and because of PLAINTIFFS' status as students
11 and their trust in Defendant USC that they came to be under the direction and control of TYNDALL who
12 used his position of authority and trust to sexually abuse, harass, molest, and violate PLAINTIFFS.

13 312. As students of Defendant USC while TYNDALL was a gynecological physician,
14 PLAINTIFFS, solely because of their trust in and relationship with Defendant USC, came under
15 TYNDALL'S direct supervision, control and care, which created a special, confidential, and fiduciary
16 relationship between PLAINTIFFS and TYNDALL. Because of such relationship, TYNDALL owed
17 PLAINTIFFS a duty of care. Additionally, as the employers and supervisors of TYNDALL with
18 knowledge that he was in contact with and providing medical care to young female students, Defendants
19 USC and DOES 1 through 100, inclusive, were also in a special, confidential, and fiduciary relationship
20 with PLAINTIFFS owing PLAINTIFFS a special duty of care.

21 313. By assigning and employing TYNDALL as the sole full-time gynecologist at Defendant
22 USC and DOES 1 through 100, inclusive, Student Health Center, Defendants USC and DOES 1 through
23 100, inclusive, represented to its students, and the community, that Tyndall was safe, trustworthy, and of
24 high moral and ethical repute, such that students and patients need not worry about giving TYNDALL
25 access to their bodies, having TYNDALL interact with, and provide care to, those students. Defendants
26 did so in order to preserve their public image and reputation, so they could retain past students and recruit
27 new students, thus allowing donations and other financial support to continue flowing into their coffers
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1 for financial gain. Moreover, Defendants, and each of them, made TYNDALL available to students,
2 including but not limited to PLAINTIFFS, for a student health fee beyond basic tuition and fees.

3 314. Plaintiffs are informed and believe, and on that basis allege, that Defendants knew or
4 reasonably should have known that TYNDALL had engaged in unlawful sexually abusive, harassing,
5 molesting, and violative conduct in the past and was continuing to engage in such conduct. Specifically,
6 Defendant USC knew and possessed actual knowledge that TYNDALL was groping, digitally penetrating,
7 improperly photographing genitals, and was otherwise abusing, harassing, molesting, and violating young
8 female students under the guise of rendering gynecological services. Moreover, Defendant USC knew that
9 Defendant TYNDALL was doing so under the agency of Defendant USC and in the presence of USC
10 employees and agents specifically placed there for the protection of Defendant USC's female students.
11 Defendants had a duty to disclose these facts to PLAINTIFFS and others but negligently or intentionally
12 suppressed, concealed, or failed to disclose this information. This duty to disclose this information arose
13 by the special, trusting, confidential, fiduciary relationship between Defendants and PLAINTIFFS.

14 315. Plaintiffs are informed and believe, and on that basis allege, that while PLAINTIFFS
15 attended USC, Defendants engaged in a pattern and practice of ignoring complaints, failing to investigate
16 sexual abuse, harassment, molestation, and violation, deliberately concealing such sexual abuse,
17 harassment, molestation, and violation from victims and other students and potential victims, and
18 contributed to a sexually hostile environment on campus at USC.

19 316. Plaintiffs are informed and believe, and on that basis allege, that Defendants USC and
20 DOES 1 through 100, inclusive, had a history and systemic problem in properly handling sexual abuse,
21 harassment, molestation, and violation allegations, contrary to their Federal mandates under Title IX. This
22 pattern and practice was evidenced by, inter alia, the U.S. Department of Education's 2013 investigation
23 of Defendant USC's handling of numerous rape cases, during which over 100 USC students came forward
24 to complain of Defendant USC's "gross mishandling" of those rape cases. Furthermore, Plaintiffs are
25 informed and believe, and on that basis allege, that the numerous complaints lodged against TYNDALL
26 that were actively concealed by Defendant USC illustrate that Defendant USC had—and continues to
27 have—a culture of ignoring, minimizing, and sanitizing complaints from sexual abuse, harassment,
28 molestation, and violation victims. By Defendant USC's own admission, in the course of its 2016

1 investigation of complaints against TYNDALL, “a review of files kept by Dr. Larry Neinstein, a former
2 health center director from 1995–2014 (who is now deceased), showed earlier patient complaints about
3 TYNDALL, including complaints about his clinical practice. The files contained eight complaints logged
4 between 2000 and 2014 that were concerning.” Despite the fact that TYNDALL’S direct supervisor, Dr.
5 Neinstein, possessed documented complaints against TYNDALL dating back to at least the year 2000,
6 and the fact that those documented complaints were cited in Defendant USC’S 2016 investigation of
7 TYNDALL, Defendant USC continued to allow TYNDALL to retain his position, thereby granting him
8 unfettered access to its young female students, to whom Defendant USC owed a special duty, to freely
9 sexually assault and harass them at will.

10 317. Plaintiffs are informed and believe, and on that basis allege, that Defendants USC and
11 DOES 1 through 100, inclusive, knew, or should have known, of TYNDALL’S propensity and disposition
12 to engage in sexual misconduct with young female patients before he sexually abused, harassed, molested,
13 and violated PLAINTIFFS, and knew of the probability that he would sexually abuse, harass, molest, and
14 violate student patients whom he came into contact, including, but not limited to, PLAINTIFFS.

15 318. Moreover, Plaintiffs are informed and believe, and on that basis allege, that virtually every
16 time TYNDALL sexually abused, harassed, molested, and violated a female student-patient at Defendant
17 USC’s Student Health Clinic, a USC chaperone, who was an employee or agent of Defendant USC, who
18 was charged with protecting female student-patients at their most vulnerable point, was present,
19 witnessing said sexual abuse, harassment, molestation, and violation, and yet did nothing to intervene or
20 otherwise protect PLAINTIFFS from the rapacious lust of TYNDALL.

21 319. Defendants failed to implement reasonable safeguards to avoid acts of unlawful sexual
22 misconduct by TYNDALL in the future, including avoiding placement of TYNDALL in a position where
23 contact and interaction with vulnerable patients and students in an inherent function. Defendants ignored
24 and suppressed the past sexual misconduct TYNDALL had engaged in while an employee and agent of
25 Defendant USC.

26 320. Because of the special relationship between PLAINTIFFS and Defendants, Defendants had
27 an obligation and duty under the law not to hide material facts and information about TYNDALL’S past
28 and his deviant sexual behavior and propensities. Additionally, Defendants had an affirmative duty to

1 inform, warn, and institute appropriate protective measures to safeguard patients who were reasonably
2 likely to be exposed to TYNDALL, including, but not limited to, PLAINTIFFS. Defendants willfully
3 refused to notify, give adequate warning, and implement appropriate safeguards, thereby creating the peril
4 that ultimately damaged PLAINTIFFS.

5 321. California Penal Code § 11160(a)(2) provides: "Any health practitioner employed in a
6 health facility, clinic, physician's office, local or state public health department, or a clinic or other type
7 of facility operated by a local or state public health department who, in his or her professional capacity or
8 within the scope of his or her employment provides medical services for a physical condition to a patient
9 whom he or she knows or reasonably suspects is a person described as follows, shall immediately make a
10 report in accordance with subdivision (b):...(2)Any person suffering from any wound or other physical
11 injury inflicted upon the person where the injury is the result of assaultive or abusive conduct." Penal
12 Code § 11160(b) mandates that such reports be made to a local law enforcement agency by telephone
13 "immediately or as soon as is practicable," and by written report "within two working days of receiving
14 the information regarding the person."

15 322. By and through its health practitioner employees and agents, Defendant USC repeatedly
16 violated the foregoing Penal Code provisions by failing to report TYNDALL to law enforcement each
17 time it witnessed and/or received reports of TYNDALL committing a sexual assault or battery on a female
18 patient. Furthermore, Defendant USC has deliberately attempted to conceal its recurring failures to comply
19 with Penal Code § 11160 by publicly and falsely claiming it had no legal duty to report TYNDALL'S
20 sexually abusive behavior to law enforcement.

21 323. Additionally, Defendant USC's own Code of Conduct mandates that "no faculty
22 member may commit sexual assault, defined as any physical sexual act (including, but not limited
23 to, actual or attempted intercourse, sexual touching, fondling, or groping) perpetrated upon a person."
24 Defendant USC's own Code of Ethics further states: "At the University of Southern California, ethical
25 behavior is predicated on two main pillars: a commitment to discharging our obligations to others in
26 a fair and honest manner, and a commitment to respecting the rights and dignity of all persons. As
27 faculty, staff, students, and trustees, we each bear responsibility not only for the ethics of our own
28 behavior, but also for building USC's stature as an ethical institution." In direct contravention of their

1 own Codes, Defendant USC actively concealed TYNDALL'S sexually abusive, harassing,
2 molesting, and violative behavior for nearly thirty years, thereby exposing PLAINTIFFS to his
3 sexual abuse, harassment, molestation, and violation. Plaintiffs are informed and believe, and on that
4 basis allege, that as part of Defendants' conspiratorial and fraudulent attempt to hide TYNDALL'S
5 propensity to sexually abuse and molest young female students, and prior sexual misconduct with
6 patients, from public scrutiny and criminal investigation, Defendants implemented various measures
7 designed to make TYNDALL'S conduct harder to detect and ensure that other patients and students
8 with whom he came into contact, such as PLAINTIFFS, would be sexually abused, harassed,
9 molested, and violated including:

- 10 a. Permitting TYNDALL to remain in a position of authority and trust after Defendants knew or
11 should have known that he molested his young female patients;
- 12 b. Placing TYNDALL in a separate and secluded environment at USC'S student health clinic
13 which granted him unfettered access and control over patients even when he was purporting to
14 conduct extremely sensitive gynecological treatment, thereby allowing TYNDALL to
15 physically sexually interact with the young female students of USC, including PLAINTIFFS;
- 16 c. Failing to disclose and actively concealing TYNDALL'S prior record of misconduct, sexual
17 abuse, harassment, molestation, violation, and his propensity to commit such acts towards
18 students and patients in USC'S Student Health Clinic, from its students, the public at large,
19 and law enforcement;
- 20 d. Holding out TYNDALL to PLAINTIFFS, other patients at USC, the alumni members
21 of the USC community, and the public at large as a trustworthy and honest person of
22 high ethical and moral repute who was capable and worthy of being granted
23 unsupervised access to the student patients of Defendants USC and DOES I through
24 100, inclusive;
- 25 e. Failing to investigate or otherwise confirm or deny such facts about TYNDALL, including
26 prior complaints, claims, and investigations for sexual abuse, harassment, molestation, and
27 violation;
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- f. Failing to inform, and actively concealing from PLAINTIFFS, other students, alumni, the public at large, and law enforcement officials the fact that PLAINTIFFS and others were or may have been sexually abused, harassed, molested, and violated after Defendants knew or should have known TYNDALL had or may have sexually abused, harassed, molested, and violated PLAINTIFFS or others, thereby enabling PLAINTIFFS and others to continue to be endangered and sexually abused, harassed, molested, and violated and/or creating the circumstance where PLAINTIFFS and others were less likely to receive proper medical treatment, thus exacerbating the harm to PLAINTIFFS and others.
- g. Holding out TYNDALL to PLAINTIFFS and the USC community as being in good standing and trustworthy;
- h. Cloaking TYNDALL'S prior sexual misconduct with student patients within the façade of normalcy, thereby disguising the nature of his sexual abuse and contact with young female patients;
- i. Failing to make reasonable efforts and to implement reasonable safeguards to avoid acts of unlawful sexual misconduct by TYNDALL such as avoiding placement of TYNDALL in functions or environments in which his intimate contact with young female patients was inherent;
- j. Failing to put in place a system or procedure to supervise or monitor physicians, chaperones, and agents to ensure that they do not sexually abuse, harass, molest, or violate patients in Defendants' care.
- k. Failing to put in place a system or procedure to supervise or monitor physicians, chaperones, and agents to ensure that should any sexual abuse, harassment, molestation or violation be discovered or reasonably suspected that it be promptly reported pursuant to Penal Code § 11160.

324. By his position within the Defendants' institutions, TYNDALL attained a position of influence over PLAINTIFFS and others. Defendants' conduct created a situation of peril that was not, and could not, be appreciated by PLAINTIFFS. By virtue of Defendants' conspiratorial

1 and fraudulent conduct, and in keeping with their intent to fail to disclose and hide TYNDALL's
2 past and present conduct from the USC community, past, present, and future students, the public
3 at large, and law enforcement, Defendants allowed TYNDALL to remain in a position of
4 influence where his unsupervised or negligently supervised conduct with patients made the
5 abuse, harassment, molestation, and violation of those individuals, including PLAINTIFFS,
6 possible.

7 325. By his position within the Defendants' institutions, Defendants and TYNDALL
8 demanded and required that PLAINTIFFS respect TYNDALL in his position as a gynecological
9 physician for Defendant USC and DOES 1 through 100. In fact, PLAINTIFFS had no choice
10 but to see TYNDALL, as he was the only full-time gynecologist employed by Defendant USC's
11 Student Health Center, and were naïve as to the proper scope of the gynecological procedures
12 ostensibly being performed.

13 326. As a direct and proximate result of the sexual abuse, harassment, molestation, and violation
14 of PLAINTIFFS by Defendant TYNDALL and as enabled by Defendants USC and DOES 1 through 100,
15 inclusive, PLAINTIFFS have had difficulty in meaningfully interacting with others, including those in
16 positions of authority over PLAINTIFFS including other physicians, athletic supervisors, and superiors at
17 work. PLAINTIFFS have been limited in their ability to meaningfully interact with others due to the
18 trauma of their sexual abuse, harassment, molestation, and violation at the hands of TYNDALL and
19 facilitated by Defendants USC and DOES 1 through 100, inclusive. This inability to interact creates
20 conflict with PLAINTIFFS' values of trust and confidence in others and has caused PLAINTIFFS
21 substantial emotional distress, anxiety, nervousness, and fear. As a direct and proximate result of the
22 sexual abuse, harassment, molestation, and violation committed by Defendant TYNDALL and made
23 possible by Defendants USC and DOES 1 through 100, inclusive, PLAINTIFFS have suffered immensely,
24 including, but not limited to, encountering issues with a severe lack of trust, various negative
25 psychological and emotional disorders and associated physiological effects, depressive symptoms and
26 tendencies, eating disorders, anxiety, and excessive nervousness. Moreover, PLAINTIFFS have only now
27 just discovered the link between their manifold psychological problems and the sexual abuse, harassment,
28 molestation, and violation they experienced.

1 327. As a direct and proximate result of Defendants' tortious acts, omissions, wrongful conduct,
2 and breaches of their statutory and common law duties, PLAINTIFFS' employment and professional
3 development has been adversely affected. PLAINTIFFS have lost wages and will continue to lose wages
4 in an amount to be determined at trial. PLAINTIFFS has suffered substantial economic injury, all to
5 PLAINTIFFS' general, special, and consequential damage in an amount to be proven at trial, but in no
6 event less than the minimum jurisdictional amount of this Court.

7 328. As a further direct and proximate result of Defendants' wrongful actions as herein alleged,
8 PLAINTIFFS have been hurt in their health, strength, and activity. PLAINTIFFS have sustained
9 permanent and continuing injury to their nervous system and person that has caused, and continues to
10 cause, great mental, physical, and nervous pain, suffering, fright, upset, grief, worry, and shock in an
11 amount according to proof at trial but in no event less than the jurisdictional minimum requirements of
12 this Court.

13 329. Defendants, and each of them, have failed to uphold numerous mandatory duties required
14 of them by state and federal law, statutory and common law, and their own internal written policies and
15 procedures, including but not limited to:

- 16 a. Duty of health care professionals to report reasonable suspicions of sexual abuse to law
17 enforcement pursuant to Penal Code § 11160;
- 18 b. Duty to use reasonable care to protect participants and members from known or foreseeable
19 dangers;
- 20 c. Duty to enact policies and procedures that are not in contravention of the Federal Civil Rights
21 Act, section 1983, Title IX, and the 14th Amendment of the United States Constitution;
- 22 d. Duty to protect enrolled students from the criminal acts of third parties in the context of school-
23 sponsored activities over which Defendants have some measure of control;
- 24 e. Duty to protect participants and members and staff;
- 25 f. Duty to provide adequate supervision;
- 26 g. Duty to ensure that any direction given to participants and members is lawful, and that adults
27 act reasonably responsibly and respectfully towards participants and members;
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- 1 h. Duty to properly train staff so that they are aware of their individual responsibility for creating
2 and maintaining a safe environment;
- 3 i. Duty to act promptly and diligently and not ignore or minimize problems;
- 4 j. Duty to provide diligent supervision over patients; and
- 5 k. Duty to report suspected incidents of sexual abuse.

6 330. Defendants, and each of them, had a duty to protect students and patients, including
7 PLAINTIFFS. Defendants were required, and abjectly failed, to provide adequate supervision, and failed
8 to be properly vigilant in seeing that supervision was sufficient at USC to ensure the safety of
9 PLAINTIFFS and others.

10 331. Despite having a duty to do so, Defendants failed to adequately train and supervise all staff
11 to create a positive and safe environment, specifically including training to perceive, report, and stop
12 inappropriate sexual misconduct by other members of the staff, specifically including TYNDALL.

13 332. Defendants failed to enforce their own rules and regulations designed to protect the health
14 and safety of its students and patients. Further, they failed to adopt and implement safety measures,
15 policies, and procedures designed to protect patients, such as PLAINTIFFS, from the sexually exploitative
16 and abusive acts of their agents and employees—chiefly, TYNDALL and his enablers.

17 333. In subjecting PLAINTIFFS to the wrongful treatment herein described, Defendants
18 TYNDALL, USC, and DOES 1 through 100, inclusive, acted willfully and maliciously with the
19 intent to harm PLAINTIFFS, and in conscious disregard of PLAINTIFFS' rights, so as to constitute
20 malice and/or oppression under California Civil Code section 3294. PLAINTIFFS are informed, and
21 on that basis allege, that, specifically, the Defendants acted in concert, and under their authority as
22 an educational institution and medical provider, with reckless disregard for the concern of the
23 student-patients in its charge, in order to further financially benefit its business's growth. The
24 Defendants acted intentionally in creating an environment that harbored sexual deviants, put its
25 vulnerable young students at risk of harm, ignored clear warning signs and their duties to report sexual
26 abusers and molesters in their ranks, to maintain a facade of normalcy, in order to maintain its funding
27 and provide further financial growth of Defendant USC on the international level. The safety of the
28 student-patients that were entrusted to Defendants USC and DOES 1 through 100, inclusive, was

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1 compromised due to Defendants desire to maintain the status quo of the Defendants USC and DOES
2 I through 100 organizations, to continue to enjoy the financial support of the alumni of the USC
3 community, and avoid any public scrutiny for their misconduct. Plaintiffs are informed and believe,
4 and on that basis allege, that these willful, malicious, and/or oppressive acts, as alleged herein above,
5 were ratified by the officers, directors, and/or managing agents of the Defendants. PLAINTIFFS are
6 therefore entitled to recover punitive damages, in an amount to be determined by the court, against
7 Defendants TYNDALL, USC, and DOES I through 100, inclusive.

8 **THE STATUTE OF LIMITATIONS IS TOLLED**

9 334. Plaintiffs incorporate all foregoing paragraphs of this Complaint as though fully set forth
10 herein.

11 335. Defendants, and each of them, concealed the existence of PLAINTIFFS' claims and that
12 PLAINTIFFS possessed any causes of action against them at the time of their sexual abuse, harassment,
13 molestation, and violation by making materially false representations to PLAINTIFFS involving past or
14 existing facts. Defendants, and each of them, did so by misrepresenting that all Defendant TYNDALL'S
15 acts, statements, and conduct were for the purpose of conducting an appropriate and medically standard
16 physical examination and gynecological service and that such sexual abuse, harassment, molestation, and
17 violation were appropriate and necessary part of such examinations and services and conformed to
18 accepted medical practices and standards. Moreover, upon information and belief, virtually each and every
19 instance of sexual abuse, harassment, molestation, and violation committed by Defendant TYNDALL was
20 conducted before and under the supervision of a chaperone, employed or otherwise an agent of Defendants
21 USC and DOES I through 100, inclusive, who was responsible for patients' well-being and safety. The
22 silence and complicity of the chaperones was integral to the continued concealment of the true deviant
23 nature of Defendant TYNDALL'S acts by giving them the appearance of propriety. Defendants
24 concealment and deceit was so complete and well executed that neither PLAINTIFFS—who are not
25 medical professionals nor have any specialized medical training—nor any other reasonable person, should
26 have been put on notice that a cause of action had accrued.

1 336. The material representations to PLAINTIFFS by Defendants, and each of them, were false
2 in that TYNDALL was in fact performing acts herein described for his own sexual gratification and
3 pleasure that did not conform to accepted medical practices and standards.

4 337. At the times the representations were made, they were known by Defendants, and each of
5 them, to be false, in that Defendants knew that TYNDALL was not conducting examinations and
6 procedures in an appropriate, proper, legitimate, and otherwise in a fashion conforming to accepted
7 medical practices and procedures.

8 338. The misrepresentations, concealment, and farce perpetrated on PLAINTIFFS were done
9 with the intent that they would be acted upon by PLAINTIFFS in that PLAINTIFFS should believe that
10 TYNDALL'S conduct and statements during the exams was appropriate, proper, legitimate, and otherwise
11 in a fashion conforming to accepted medical practices and procedures; that PLAINTIFFS should not
12 believe that they were being sexually abused, harassed, molested, and violated; PLAINTIFFS should
13 continue to be seen by TYNDALL; should not question or complain of his conduct; and importantly,
14 should not reasonably believe and not be aware of a possible cause of action against Defendants.

15 339. At all times prior to May 2018, PLAINTIFFS were blamelessly ignorant of the true facts
16 related to their abuse, harassment, molestation, and violation at the hands of TYNDALL and enabled by
17 Defendants USC and DOES 1 through 100, inclusive. Due to the widespread and systematic efforts to
18 deceive PLAINTIFFS and conceal the true nature of Defendants' conduct, PLAINTIFFS only became
19 aware of the true facts of their abuse, harassment, molestation, and violation in May 2018 when the sexual
20 misconduct and transgressions of Defendants were revealed in the national media to actually be sexual
21 abuse, harassment, molestation, and violation. Before that point, as PLAINTIFFS have not now or ever
22 been medical professionals or otherwise received specialized medical training, PLAINTIFFS were
23 completely and entirely deceived by the efforts of Defendants to conceal the true nature of TYNDALL'S
24 conduct such that PLAINTIFFS' claims accrued in and around May 2018.

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1 FIRST CAUSE OF ACTION

2 SEXUAL HARASSMENT IN VIOLATION OF CIVIL CODE §§ 51.9 AND 52

3 Against Defendants TYNDALL, USC, and DOES 1-100, Inclusive

4 340. Plaintiffs repeat and reallege each and every allegation contained in the preceding
5 paragraphs and incorporate the same herein by reference as though as set forth in full.

6 341. At all times herein mentioned, Defendants were Defendant TYNDALL, USC, school
7 administrators, supervisors, student health center staff and of USC, and DOES 1-100, and a business,
8 service or professional relationship therefore existed between Defendants and PLAINTIFF, who was
9 a patient under the care of Defendant TYNDALL, a physician. *See* 51.9(a)(1)(A); *See C.R. v. Tenet*
10 *Healthcare Corp.* (2009) 169 Cal.App.4th 1094, 1106-1107.

11 342. While attending Defendant USC, PLAINTIFFS required care from a gynecologist. At
12 the time, PLAINTIFFS were mostly teenagers, legally no longer a minor but nevertheless young,
13 newly independent, and had little to no experience in seeing a gynecologist. Defendant USC
14 maintained a Student Health Center for the safety and well-being of their students. Defendant USC
15 entrusted PLAINTIFFS' safety and care to Defendant TYNDALL. Indeed, at the time of
16 PLAINTIFFS' sexual abuse, harassment, molestation, and violation, Defendant TYNDALL was
17 the only full-time gynecologist available at the Student Health Center for students to see. Thus,
18 many female students, including PLAINTIFFS, were forced to repeatedly seek medical
19 treatment from TYNDALL, the only full-time gynecologist on staff at Defendant USC's Student
20 Health Clinic. As such, PLAINTIFFS were vulnerable and unable to easily terminate the
21 professional relationship with Defendants. Therefore, PLAINTIFFS are individuals protected
22 under *Civil Code* §§ 51.9 and 52.2.

23 343. PLAINTIFFS' rights provided under *Civil Code* § 51.9 includes their right to be free
24 from sexual advances, solicitations, sexual requests, demands for sexual compliance by TYNDALL,
25 or other verbal, visual, or physical conduct of a sexual nature or of a hostile nature based on
26 PLAINTIFFS' gender, that was unwelcome, pervasive, and severe.

27 344. During PLAINTIFFS' time as students at USC, Defendant TYNDALL intentionally,
28 recklessly, and wantonly made sexual advances, solicitations, requests, demands for sexual

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1 compliance of a hostile nature based on PLAINTIFFS' gender that were unwelcome, pervasive, and
2 severe, including, but not limited to, TYNDALL groping and penetrating PLAINTIFFS' vaginas,
3 groping and fondling PLAINTIFFS' breasts, and routinely making sexually charged and
4 inappropriate comments about and relating to PLAINTIFFS' bodies, all under the supervision of
5 Defendants, who were acting in the course and scope of their agency with Defendants, and each of
6 them.

7 345. The incidents of abuse outlined herein above took place while PLAINTIFFS were
8 under the control of TYNDALL and Defendants USC and DOES 1 through 100, inclusive, in their
9 capacity and position as supervisors of physicians, medical professionals, and staff at Defendant USC
10 and DOES 1 through 100, inclusive, and while acting specifically on behalf of Defendants.

11 346. Because of TYNDALL'S age and position of authority, physical seclusion of
12 PLAINTIFFS, PLAINTIFFS' mental and emotional state, and PLAINTIFFS' young age,
13 PLAINTIFFS were unable to, and did not, give consent to such acts.

14 347. Even though the Defendants knew or should have known of the misconduct of
15 TYNDALL, Defendants did nothing to investigate, supervise, or monitor TYNDALL to ensure the
16 safety of the student-patients in their charge.

17 348. Because of PLAINTIFFS' relationship with Defendants, as a student-patient of
18 Defendants, and PLAINTIFFS' young age and relative immaturity, PLAINTIFFS were unable to
19 easily terminate the doctor-patient relationship they had with Defendants.

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

26 350. Despite constructive or actual knowledge of TYNDALL'S prior assault of
27 PLAINTIFFS and others, Defendant USC and DOES 1-100, inclusive, allowed TYNDALL
28 unfettered access to PLAINTIFFS and other young, female patients. Defendant USC and DOES 1-

1 100, inclusive, thus aided and incited, and/or conspired in PLAINTIFFS' abuse by allowing
2 TYNDALL access to PLAINTIFFS and failing to notify PLAINTIFFS and/or their parents of the
3 prior abuse that occurred.

4 351. Defendants' conduct, and the conduct of their agents, was a breach of their duties to
5 PLAINTIFFS.

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

13 **SECOND CAUSE OF ACTION**

14 **GENDER VIOLENCE IN VIOLATION OF CIVIL CODE § 52.4**

15 ***Against Defendant TYNDALL***

16 353. Plaintiffs repeat and reallege each and every allegation contained in the preceding
17 paragraphs and incorporate the same herein by reference as though as set forth in full.

18 354. TYNDALL'S acts committed against PLAINTIFFS, as alleged herein, including the sexual
19 abuse, harassment, molestation, and violation of PLAINTIFFS, constitutes gender violence and a form of
20 sex discrimination in that one or more of TYNDALL'S acts would constitute a criminal offense under
21 state law that has an element the use, attempted use, or threatened use of physical force against the person
22 of another, committed at least in part based on the gender of the victim, whether or not those acts resulted
23 in criminal complaints, charges, prosecution, or conviction.

24 355. TYNDALL'S acts committed against PLAINTIFFS, as alleged herein, including the sexual
25 abuse, harassment, molestation, and violation of PLAINTIFFS, constitutes gender violence and a form of
26 sex discrimination in that TYNDALL'S conduct caused a physical intrusion or physical invasion of a
27 sexual nature upon PLAINTIFFS under coercive conditions, whether or not those acts have resulted in
28 criminal complaints, charges, prosecution, or conviction.

1 356. As a direct and proximate result of TYNDALL'S acts, PLAINTIFFS are entitled to actual
2 damages, compensatory damages, punitive damages, injunctive relief, any combination of those, or any
3 other appropriate relief. PLAINTIFFS are also entitled to an award of attorney's fees and costs pursuant
4 to § 52.4, against TYNDALL.

5 **THIRD CAUSE OF ACTION**

6 **VIOLATION OF "BANE ACT" CIVIL CODE § 52.1**

7 *Against Defendants TYNDALL, USC, and DOES 1 through 100, Inclusive*

8 357. Plaintiffs repeat and reallege each and every allegation contained in the preceding
9 paragraphs and incorporate the same herein by reference as though as set forth in full.

10 358. Defendants' actions, alleged herein, have had and will continue to interfere with
11 PLAINTIFFS' right to be free from gender discrimination in the form of sexual harassment in the
12 educational and collegiate athletic setting, codified under 20 U.S.C. § 1681. Furthermore, PLAINTIFFS
13 had a right to have Defendant USC respond immediately and investigate their sexual abuse, harassment,
14 molestation, and violation by TYNDALL.

15 359. During PLAINTIFFS' time as students at USC, Defendants engaged in oppressive
16 and unlawful tactics in ignoring, concealing, and ultimately suppressing PLAINTIFFS' sexual
17 abuse, harassment, molestation, and violation by TYNDALL. PLAINTIFFS were threatened,
18 intimidated, and coerced into staying quiet about TYNDALL's sexually abusive conduct and to
19 believe that they had not in fact been sexually abused. This was effectuated by TYNDALL's
20 own intimidating and humiliating conduct, as well as the conspiratorial silence and inaction of
21 Defendant USC's chaperones. These intentional acts of concealment of TYNDALL's abusive
22 behavior violated PLAINTIFFS' right to be free from discrimination on the basis of their gender,
23 under Title IX.

24 360. Furthermore, PLAINTIFFS were deprived of Due Process of Law, when various
25 complaints to Defendant USC employees failed to trigger any reprimand, investigation, or other
26 action by Defendant USC, who was required to do so, both under its own policies and
27 procedures, as well as under Federal mandate by Title IX, and the Fourteenth Amendment. In
28

1 addition, these actions were contrary to PLAINTIFFS' civil rights guaranteed under the
2 Constitution of the State of California.

3 361. Defendants' wrongful conduct was intended to and did successfully interfere with
4 PLAINTIFFS' Constitutional Rights to be free from gender discrimination and harassment, as
5 well as interfered with their right of Due Process under the United States Constitution,
6 specifically the Fifth and Fourteenth Amendments.

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

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

24 **FOURTH CAUSE OF ACTION**

25 **SEXUAL ASSAULT & BATTERY CIVIL CODE §§ 1708 and 1708.5**

26 ***Against Defendant TYNDALL***

27 364. Plaintiffs repeat and reallege each and every allegation contained in the preceding
28 paragraphs and incorporate the same herein by reference as though as set forth in full.

1 365. During PLAINTIFFS' time as students at USC, Defendant TYNDALL
2 intentionally, recklessly, and wantonly did acts which were intended to, and did result in harmful
3 and offensive contact with intimate parts of PLAINTIFFS' persons, including, but not limited
4 to, being subjected to numerous instances of sexual abuse by TYNDALL.

5 366. All of TYNDALL's conduct and behavior was carried out by TYNDALL in the
6 course and scope of his agency/employment relationship with Defendants, and each of them, and
7 were intended to cause harmful or offensive contact with the PLAINTIFFS' person or intended
8 to put PLAINTIFFS in imminent apprehension of such contact.

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

13 368. Due to TYNDALL'S position of authority over PLAINTIFFS, PLAINTIFFS'
14 mental and emotional state, and PLAINTIFFS' young age, PLAINTIFFS did not give
15 meaningful consent to such acts.

16 369. As a direct and proximate result of the acts of TYNDALL, PLAINTIFFS sustained
17 serious and permanent injuries to their persons, all of this damage in an amount to be shown
18 according to proof and within the jurisdiction of the Court.

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

1 371. PLAINTIFFS are informed believe, and based thereon allege, that the conduct of
2 TYNDALL was oppressive, malicious and despicable in that it was intentional and done in conscious
3 disregard for the rights and safety of others, including PLAINTIFFS, and were carried out with a
4 conscious disregard of PLAINTIFFS' right to be free from such tortious behavior, such as to
5 constitute oppression, fraud or malice pursuant to California Civil Code section 3294, entitling
6 PLAINTIFFS to punitive damages against TYNDALL in an amount appropriate to punish and set
7 an example of TYNDALL.

8 **FIFTH CAUSE OF ACTION**

9 **SEXUAL ABUSE AND HARASSMENT IN THE EDUCATIONAL SETTING**

10 **EDUCATION CODE § 220**

11 *Against Defendants TYNDALL, USC, and DOES 1 through 100, Inclusive*

12 372. PLAINTIFFS repeat and reallege each and every allegation contained in the preceding
13 paragraphs and incorporate the same herein by reference as though as set forth in full.

14 373. PLAINTIFFS were harmed by being subjected to sexual abuse, harassment, molestation,
15 and violation at USC because of PLAINTIFFS' gender and Defendants are responsible for that harm.

16 374. PLAINTIFFS suffered harassment that was so severe, pervasive, and offensive that it
17 effectively deprived PLAINTIFFS of the right of equal access to educational benefits and opportunities.

18 375. Defendants had actual knowledge that this sexual abuse, harassment, molestation, and
19 violation of PLAINTIFFS was occurring. Specifically, Defendant USC, by and through its employees and
20 agents, witnessed TYNDALL'S abuse firsthand, as it was witnessed by multiple USC-employed
21 chaperones. Further, Defendant USC received, and then actively suppressed and ignored numerous
22 complaints of TYNDALL'S sexual abuse.

23 376. In the face of this knowledge of sexual abuse, harassment, molestation, and violation that
24 was being perpetrated upon PLAINTIFFS and others by TYNDALL, Defendants acted with deliberate
25 indifference towards responding to these complaints and reasonable suspicions. Defendants allowed
26 TYNDALL to remain as a physician at USC to sexually harass, abuse, molest, and violate other patients.
27 It was not until June 2017 that Defendants allowed TYNDALL to resign, with a monetary settlement, that
28 TYNDALL's sexual abuse of young female students of Defendant USC finally abated.

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

8 378. In subjecting PLAINTIFFS to the wrongful treatment herein described, Defendants
9 TYNDALL, USC, and DOES 1 through 100, inclusive, acted willfully and maliciously with the intent to
10 harm PLAINTIFFS and in conscious disregard of PLAINTIFFS' rights so as to constitute malice and
11 oppression under California Civil Code § 3294. PLAINTIFFS are therefore entitled to the recovery of
12 punitive damages, in an amount to be determined by the Court, against TYNDALL, USC, and DOES 1
13 through 100, inclusive, in a sum to be shown according to proof.

14 **SIXTH CAUSE OF ACTION**

15 **UNFAIR BUSINESS PRACTICES BUSINESS AND PROFESSIONS CODE § 17200**

16 ***Against Defendants TYNDALL, USC, and DOES 1 through 100, Inclusive***

17 379. PLAINTIFFS repeat and reallege each and every allegation contained in the preceding
18 paragraphs and incorporate the same herein by reference as though as set forth in full.

19 380. PLAINTIFFS are informed and believe, and on that basis allege, that TYNDALL and
20 Defendants USC and DOES 1 through 100, inclusive, have engaged in unlawful, unfair, and deceptive
21 business practices including allowing TYNDALL to engage in repeated harassment of student-patients,
22 including PLAINTIFFS, and failing to take all reasonable steps to prevent harassment and abuse from
23 occurring. The unlawful, unfair, and deceptive business practices also included failing to adequately
24 investigate, vet, and evaluate individuals for employment with Defendants USC and DOES 1 through 100,
25 inclusive, refusing to design, implement, and oversee policies regarding sexual harassment and abuse of
26 student-patients in a reasonable manner that is customary in similar educational environments.
27 PLAINTIFFS are informed and believe, and on that basis allege, that TYNDALL and Defendants USC
28 and DOES 1 through 100, inclusive, have engaged in unlawful, unfair, and deceptive business practices

1 including concealing sexual abuse, harassment, molestation, and violation of student-patients, such as
2 PLAINTIFFS, so as to retain other similarly situated individuals within USC who were not apprised of
3 such illicit sexual misconduct by TYNDALL.

4 381. PLAINTIFFS are informed and believe, and on that basis allege, that Defendants engaged
5 in a common scheme, arrangement or plan to actively conceal sexual abusers and allegations against them
6 who were employees, agents, members, and/or participants at USC, including TYNDALL, such that
7 Defendants USC and DOES 1 through 100, inclusive, could maintain their public image and avoid
8 detection of such abuse and abusers. PLAINTIFFS are informed and believe, and on that basis allege, that
9 Defendants actively concealed such abuse such that Defendants would be insulated from public scrutiny,
10 governmental oversight, and/or investigation from various law enforcement agencies, all done in order to
11 maintain the false sense of safety for participants and their families and to perpetuate the program
12 financially.

13 382. By engaging in unlawful, unfair, and deceptive business practices, TYNDALL and
14 Defendants USC and DOES 1 through 100, inclusive, benefitted financially to the detriment of its
15 competitors, who had to comply with the law.

16 383. Unless restrained, Defendants USC and DOES 1 through 100, inclusive, will continue to
17 engage in unfair acts and business practices described above, resulting in great and irreparable harm to
18 PLAINTIFFS and other similarly situated participants and members.

19 384. PLAINTIFFS seek restitution for all amounts improperly obtained by TYNDALL and
20 Defendants USC and DOES 1 through 100, inclusive, through the use of the above-mentioned unlawful
21 business practices, as well as the disgorgement of all ill-gotten gains and restitution on behalf of
22 PLAINTIFFS and all other similarly situated student-patients who were also subjected to abuse,
23 harassment, molestation, and violation by TYNDALL, USC, and DOES 1 through 100, inclusive, through
24 illegal and unfair business practices.

25 385. Pursuant to § 17203 of the California Business and Professions Code and available
26 equitable powers, PLAINTIFFS are entitled to a preliminary and permanent injunction, enjoining
27 TYNDALL, USC, and DOES 1 through 100, inclusive, from continuing the unlawful and unfair business
28 practices described above. Further, PLAINTIFFS seek the appointment of a court monitor to enforce its

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1 orders regarding patient safety. In addition, PLAINTIFFS are entitled to recover reasonable attorney's
2 fees pursuant to the California Business and Professions Code and Section 1021.5 of the California Code
3 of Civil Procedure.

4 **SEVENTH CAUSE OF ACTION**

5 **VIOLATION OF TITLE IX 20 U.S.C. § 1681**

6 ***Against Defendants USC and DOES 1 through 100, Inclusive***

7 386. PLAINTIFFS repeat and reallege each and every allegation contained in the preceding
8 paragraphs and incorporate the same herein by reference as though as set forth in full.

9 387. PLAINTIFFS were subjected to sexual abuse, harassment, molestation, and violation by
10 TYNDALL as young student-patients at Defendants' institution.

11 388. Defendant USC was a private institution that nevertheless received federal financial
12 assistance for its various programs.

13 389. Defendant USC, with authority to institute corrective measures, had actual notice that
14 TYNDALL posed a substantial risk of sexual abuse, harassment, molestation, and violation to the young
15 female student-patients who sought treatment through Defendant USC'S Student Health Clinic.
16 Specifically, Defendant USC received numerous complaints of TYNDALL'S sexual misconduct, yet
17 allowed such misconduct to continue unabated.

18 390. Defendant USC and DOES 1 through 100, inclusive, were deliberately indifferent to
19 the substantial risk of sexual abuse, harassment, molestation, and violation posed to student-patients
20 who came into contact with TYNDALL at USC. After receiving actual notice of the student-patients'
21 complaints of being sexually abused by TYNDALL, Defendants USC and DOES 1 through 100,
22 through their employees, agents, and servants, ignored the sexual abuse that TYNDALL inflicted on
23 student-patients, including PLAINTIFFS, and allowed him to continue treating young female
24 students. It was this conduct that constitutes willful indifference towards PLAINTIFFS and other
25 similarly situated student-patients who would be subjected to TYNDALL's unfettered sexual
26 misconduct.

27 391. As a direct and proximate result of the above-described conduct, PLAINTIFFS have
28 suffered and continue to suffer great pain of mind and body, shock, emotional distress, physical

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

6 392. In subjecting PLAINTIFFS to the wrongful treatment herein described, Defendants USC,
7 TYNDALL, and DOES 1 through 100, inclusive, acted willfully and maliciously with the intent to harm
8 PLAINTIFFS, and in conscious disregard of PLAINTIFFS' rights, so as to constitute malice and oppression
9 under California Civil Code section 3294. PLAINTIFFS are therefore entitled to the recovery of punitive
10 damages, in an amount to be determined by the Court, against TYNDALL, USC, and DOES 1 through 100,
11 inclusive, in a sum to be shown according to proof. Furthermore, PLAINTIFFS requests the award of
12 attorneys' fees pursuant to 42 U.S.C. § 1988.

13 **EIGHTH CAUSE OF ACTION**

14 **NEGLIGENCE**

15 ***Against Defendants USC and DOES 1 through 100, Inclusive***

16 393. PLAINTIFFS repeat and reallege each and every allegation contained in the preceding
17 paragraphs and incorporate the same herein by reference as though as set forth in full.

18 394. Prior to and after the first incident of TYNDALL'S sexual abuse, harassment, molestation,
19 and violation of young female students, including PLAINTIFFS, through the present, Defendants knew
20 or should have known that TYNDALL had and was capable of sexually, physically, and mentally abusing
21 and harassing young female students, including PLAINTIFFS.

22 395. Universities are in a special relationship with their enrolled students in the context of
23 school-sponsored activities over which the university has some measure of control. Defendants, and each
24 of them, had special duties to protect PLAINTIFFS and other young female students and members of the
25 USC community. PLAINTIFFS' care, welfare, and physical custody were entrusted to Defendants.
26 Defendants voluntarily accepted the entrusted care of PLAINTIFFS. As such, Defendants owed
27 PLAINTIFFS and other young female students and members of the USC community a special duty of
28 care that adults and medical professionals dealing with vulnerable medical patients and young students

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

3 396. Defendants breached their duties of care owed to PLAINTIFFS and others by: allowing
4 TYNDALL to come into contact with PLAINTIFFS and other young female students without effective
5 supervision; by failing to adequately hire, supervise, and retain TYNDALL, whom they permitted and
6 enabled to have access to PLAINTIFFS; by concealing from PLAINTIFFS, the USC community, the
7 public at large, and law enforcement that TYNDALL was sexually abusing, harassing, molesting, and
8 violating patients; and by holding TYNDALL out to PLAINTIFFS and all others as being of high moral
9 and ethical repute, in good standing, and trustworthy.

10 397. Defendants breached their duties to PLAINTIFFS by: failing to investigate or
11 otherwise confirm or deny such facts of sexual abuse, harassment, molestation, and violation by
12 TYNDALL; by failing to reveal such facts to PLAINTIFFS, the USC community, the public at
13 large, and law enforcement agencies; and by placing TYNDALL into a position of trust and
14 authority, holding him out to PLAINTIFFS and the public as being in good standing and
15 trustworthy.

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

22 399. Defendants breached their duties of care to PLAINTIFFS by failing to develop and
23 implement reasonable safety policies and procedures that would have prevented the sexual abuse,
24 harassment, molestation, and violation made the basic subject matter of this suit.

25 400. Defendants breached their duties of care to PLAINTIFFS by failing to adequately train its
26 employees and agents and to ensure that they were following proper protocol when it came to recognizing,
27 reporting, and stopping sexual abuse, harassment, molestation, and violation of young female students.
28 Specifically, Defendants allowed USC chaperones to stand idly by why such acts of sexual abuse,

1 harassment, molestation, and violation were being committed directly before them and was within their
2 power and authority to stop and prevent.

3 401. As a direct and proximate result of the above-described conduct, PLAINTIFFS have
4 suffered and continue to suffer great pain of mind and body, shock, emotional distress, physical
5 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss
6 of enjoyment of life; have suffered and continue to suffer and were prevented and will continue to be
7 prevented from performing daily activities and obtaining the full enjoyment of life; will sustain loss of
8 earnings and earning capacity, and have incurred and will continue to incur expenses for medical and
9 psychological treatment, therapy, and counseling.

10 **NINTH CAUSE OF ACTION**

11 **NEGLIGENCE PER SE**

12 ***Against Defendants USC and DOES 1 through 100, Inclusive***

13 402. PLAINTIFFS repeat and reallege each and every allegation contained in the preceding
14 paragraphs and incorporate the same herein by reference as though as set forth in full.

15 403. Under applicable law, Defendants, and each of them, by and through their employees and
16 agents, were medical care providers and were under a statutory duty to report known or reasonably
17 suspected incidents of sexual abuse, harassment, molestation, and violation of student-patients or any
18 individuals in their care to the appropriate authorities and not to impede the filing of any such report.

19 404. Defendants knew or should have known that TYNDALL had, was, and likely would again
20 sexually abuse, harass, molest, and violate student-patients resulting in unwanted sexual touching, sexual
21 battery, harm, and other injuries to young female student members of the USC community, including
22 PLAINTIFFS, giving rise to a duty to report such conduct.

23 405. Defendants knew, or should have reasonably known, that an undue risk to patients,
24 including PLAINTIFFS, existed because Defendants did not comply with mandatory reporting
25 requirements.

26 406. By failing to report the continuing sexual abuse, harassment, molestation, and violation
27 committed by TYNDALL, which Defendants knew or reasonably should have known about, and by
28 ignoring the fulfillment of the mandated compliance with the reporting requirements, Defendants created

1 the risk and danger contemplated by the applicable mandated reporting laws, and as a result, unreasonably
2 and wrongfully exposed PLAINTIFFS and other young student-patient members of the USC community
3 to the same sexual abuse, harassment, molestation, and violation.

4 407. PLAINTIFFS were members of the class of persons for whose protection applicable
5 mandated reporting laws were specifically adopted to protect.

6 408. Had Defendants adequately reported the molestation of PLAINTIFFS and others as
7 required by applicable mandated reporting laws, further harm to PLAINTIFFS and others would have
8 been avoided.

9 409. As a proximate result of Defendants' failure to follow the mandatory reporting
10 requirements, Defendants wrongfully denied PLAINTIFFS and others the intervention of law enforcement
11 and the appropriate authorities. Such public agencies would have changed the then-existing arrangements
12 and conditions that provided the access and opportunities for the sexual abuse, harassment, molestation,
13 and violation of PLAINTIFFS and others by TYNDALL.

14 410. The physical, mental, and emotional damages and injuries resulting from the sexual abuse,
15 harassment, molestation, and violation of PLAINTIFFS by TYNDALL were the type of occurrence and
16 injuries that the applicable mandated reporting laws were designed to prevent.

17 411. As a proximate result, Defendants' failure to comply with the mandatory reporting
18 requirements constituted a per se breach of Defendants' duties to PLAINTIFFS.

19 412. Defendants, and each of them, breached their duty to PLAINTIFFS by, inter alia, failing
20 to adequately monitor and supervise TYNDALL and stop TYNDALL from committing wrongful sexual
21 acts with patients, including PLAINTIFFS.

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

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1 TENTH CAUSE OF ACTION

2 NEGLIGENT HIRING, SUPERVISION, AND RETENTION

3 *Against Defendants USC and DOES 1 through 100, Inclusive*

4 414. PLAINTIFFS repeat and reallege each and every allegation contained in the preceding
5 paragraphs and incorporate the same herein by reference as though as set forth in full.

6 415. By virtue of PLAINTIFFS' special relationship with Defendants, and each of them, and
7 Defendants' relation to TYNDALL, Defendants owed PLAINTIFFS a duty to not hire or retain him, given
8 his dangerous and exploitative propensities which Defendants knew or should have known about had they
9 engaged in a reasonable, meaningful, and adequate investigation of his background prior to his hiring or
10 retention of him in subsequent positions of employment.

11 416. At no time during the periods of time alleged and material hereto did Defendants have in
12 place a reasonable system or procedure to investigate, supervise, and monitor its Student Health Center
13 physicians, chaperones, healthcare professionals, and other employees and agents, including TYNDALL,
14 to prevent pre-sexual grooming or sexual abuse, harassment, molestation, and violation of student-patients
15 and members of the USC community. Nor did they implement a system or procedure to oversee or monitor
16 conduct toward student-patients and other members of the USC community in Defendants' care.

17 417. Defendants were aware, or reasonably should have been aware, and understood how
18 vulnerable young female students were to sexual abuse, harassment, molestation, and violation by faculty
19 members, physicians, and other persons of authority within the control of Defendants prior to
20 PLAINTIFFS' sexual abuse, harassment, molestation, and violation by TYNDALL.

21 418. Defendants were put on notice, and should have known that TYNDALL had previously
22 engaged and continued to engage in unlawful sexual conduct with student-patients, and was committing
23 other felonies, for his own personal gratification, and that it was reasonably foreseeable that he was
24 engaging or would engage in illicit sexual activities with young female members of the USC community,
25 including PLAINTIFFS, under the cloak of his authority, confidence, and trust bestowed upon him
26 through Defendants.

27 419. Defendants were placed on actual or constructive notice that TYNDALL had molested or
28 was molesting patients, both before his employment with Defendants and during that employment.

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1 Defendants had knowledge of inappropriate conduct and molestations committed by TYNDALL before
2 and during his employment, yet chose to allow him to remain unsupervised, or in conditions which were
3 known to not deter or alter his behavior, where he sexually abused, harassed, molested, and violated
4 PLAINTIFFS.

5 420. Even though Defendants knew or reasonably should have known of these illicit sexual
6 activities by TYNDALL, Defendants failed to use reasonable care in investigating TYNDALL and did
7 nothing to reasonably supervise and monitor TYNDALL to ensure the safety of student-patients, including
8 PLAINTIFFS.

9 421. Defendants' conduct was a breach of their duties owed to PLAINTIFFS.

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

17 **ELEVENTH CAUSE OF ACTION**

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

19 ***Against Defendants USC and DOES 1 through 100, Inclusive***

20 423. PLAINTIFFS repeat and reallege each and every allegation contained in the preceding
21 paragraphs and incorporate the same herein by reference as though as set forth in full.

22 424. Defendants owed PLAINTIFFS a duty to take reasonable protective measures to protect
23 PLAINTIFFS and other student-patients from the risk of sexual abuse, harassment, molestation, and
24 violation at the hands of TYNDALL in the context of school-sponsored activities over which the school
25 has some measure of control by properly warning, training, or educating PLAINTIFFS and others about
26 how to avoid such risks, including the particular risk that TYNDALL posed of sexual misconduct.

27 425. Defendants breached their duty to take reasonable protective measures to protect
28 PLAINTIFFS and other student-patients from the risk of sexual abuse, harassment, molestation, and

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1 violation by TYNDALL by failing to supervise and stop employees of Defendants, including TYNDALL,
2 form committing wrongful sexual acts with student-patients, including PLAINTIFFS.

3 426. Defendants breached their duties of care to PLAINTIFFS by failing to adequately train
4 their employees and agents and to ensure that they were following proper protocol when it came to
5 recognizing, reporting, and stopping sexual abuse, harassment, molestation, and violation of young female
6 students. Specifically, Defendants allowed USC chaperones to stand idly by why such acts of sexual abuse,
7 harassment, molestation, and violation were being committed directly before them and was within their
8 power and authority to stop and prevent.

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

16 **TWELFTH CAUSE OF ACTION**

17 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

18 ***Against Defendants TYNDALL, USC, and DOES 1 through 100, Inclusive***

19 428. PLAINTIFFS repeat and reallege each and every allegation contained in the preceding
20 paragraphs and incorporate the same herein by reference as though as set forth in full.

21 429. Defendants conduct toward PLAINTIFFS as described herein was outrageous and extreme.

22 430. A reasonable person, were they aware of the true nature of Defendants' acts, would not
23 expect or tolerate the sexual abuse, harassment, molestation, and abuse of PLAINTIFFS by TYNDALL
24 and Defendants' knowledge and callous indifference thereof. PLAINTIFFS had great trust, faith, and
25 confidence in Defendants, which, upon discovery and by virtue of TYNDALL and Defendants' wrongful
26 conduct, turned to fear.

27 431. A reasonable person, were they aware of the true nature of Defendants' acts, would not
28 expect or tolerate Defendants putting TYNDALL, who was known to Defendants to have physically and

1 sexually abused, harassed, molested, and violated other student patients, in a position of care and trust
2 with PLAINTIFFS and others which enabled TYNDALL to have access to PLAINTIFFS and others so
3 that he could commit wrongful sexual acts, including the conduct described herein. PLAINTIFFS had
4 great trust, faith, and confidence in Defendants, which, upon discovery and by virtue of Defendants'
5 wrongful conduct, turned to fear.

6 432. A reasonable person, were they aware of the true nature of Defendants' acts, would not
7 expect or tolerate the Defendants and their agents to be incapable of supervising and/or stopping
8 participants and members of Defendants, including TYNDALL, from committing wrongful sexual acts
9 with other patients, including PLAINTIFFS. PLAINTIFFS had great trust, faith, and confidence in
10 Defendants, which, upon discovery and by virtue of Defendants' wrongful conduct, turned to fear.

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

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

21 435. In subjecting PLAINTIFFS to the wrongful treatment herein described, Defendants
22 TYNDALL, USC, and DOES 1 through 100, inclusive, acted willfully and maliciously with the intent to
23 harm PLAINTIFFS and in conscious disregard of PLAINTIFFS' rights so as to constitute malice and
24 oppression under California Civil Code § 3294. PLAINTIFFS are therefore entitled to the recovery of
25 punitive damages, in an amount to be determined by the Court, against TYNDALL, USC, and DOES 1
26 through 100, inclusive, in a sum to be shown according to proof.

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1 THIRTEENTH CAUSE OF ACTION

2 CONSTRUCTIVE FRAUD/CONCEALMENT CIVIL CODE § 1573

3 *Against Defendants TYNDALL, USC, and DOES 1 through 100, Inclusive*

4 436. PLAINTIFFS repeat and reallege each and every allegation contained in the preceding
5 paragraphs and incorporate the same herein by reference as though as set forth in full.

6 437. By holding TYNDALL out as an agent of Defendants and by allowing him to undertake
7 the medical care of young patients such as PLAINTIFFS, Defendants entered into a confidential, fiduciary,
8 and special relationship with PLAINTIFFS.

9 438. By holding themselves out as a preeminent collegiate facility, thereby enticing
10 PLAINTIFFS to attend USC, Defendants entered into a confidential, fiduciary, and special relationship
11 with PLAINTIFFS.

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

18 440. By virtue of their confidential, fiduciary and special relationship with PLAINTIFFS,
19 Defendants owed PLAINTIFFS a duty to: Investigate or otherwise confirm or deny such claims
20 of sexual abuse, harassment, molestation, and violation; Reveal such facts to PLAINTIFFS, the
21 USC community, the public at large, and law enforcement agencies; Refuse to place TYNDALL
22 and other violators in positions of trust and authority within Defendants' institutions; Refuse to
23 hold out TYNDALL and other violators to the public, the USC community, parents and law
24 enforcement agencies as being in good standing and, trustworthy in keeping with him and his
25 position as a physician, faculty member and authority figure; Refuse to assign TYNDALL and
26 other violators to positions of power within Defendants USC and DOES 1 through 100, and over
27 young students; and Disclose to PLAINTIFFS, the USC community, the public at large, and law
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1 enforcement agencies the wrongful, tortious, and sexually exploitative acts that TYNDALL had
2 engaged in.

3 441. Defendants' breach of their respective duties included: not making reasonable
4 investigations of TYNDALL; issuing no warnings about TYNDALL; permitting TYNDALL to routinely
5 be supervised only by untrained or negligent chaperones who were consistently derelict in their duty to
6 report TYNDALL'S sexual abuse, harassment, molestation, and violation to law enforcement; not
7 adopting a policy to prevent TYNDALL from routinely having patients and students in his unsupervised
8 control; making no reports of any allegations of TYNDALL'S abuse of students prior to or during his
9 employment and/or agency at USC; and assigning and continuing to assign TYNDALL to duties which
10 placed him in positions of authority and trust over other student-patients, positions in which TYNDALL
11 could easily isolate and sexually abuse other student patients.

12 442. The misrepresentations, suppressions, and concealment of facts by Defendants were
13 intended to and were likely to mislead PLAINTIFFS and others to believe that Defendants had no
14 knowledge of any charges against TYNDALL, or that there were no other charges of unlawful or
15 sexual misconduct against TYNDALL or others and that there was no need for them to take further
16 action or precaution.

17 443. The misrepresentations, suppressions and concealment of facts by Defendants was likely
18 to mislead PLAINTIFFS and others to believe that Defendants had no knowledge of the fact that
19 TYNDALL was a sexual abuser, harasser, molester, and violator, and was known to commit wrongful
20 sexual acts with student-patients, including PLAINTIFFS.

21 444. Defendants knew or reasonably should have known at the time they suppressed and
22 concealed the true facts regarding others' sexual abuse, harassment, molestation, and violation that the
23 resulting impressions were misleading.

24 445. Defendants suppressed and concealed the true facts regarding TYNDALL with the purpose
25 of: preventing PLAINTIFFS and others from learning that TYNDALL and others had been and were
26 continuing to sexually abuse, harass, molest, and violate patients while under TYNDALL'S and
27 Defendants' control, direction, and guidance, with complete impunity; inducing people, including
28 PLAINTIFFS and other benefactors and donors to participate and financially support Defendants'

1 program and other enterprises of Defendants; preventing further reports and outside investigations into
2 TYNDALL and Defendants' conduct; preventing discovery of Defendants' own conduct; avoiding damage
3 to the reputations of Defendants; protecting Defendants' power and status in the community and the
4 educational community; avoiding damage to the reputation of Defendants, or Defendants' institutions; and
5 avoiding the civil and criminal liability of Defendants, of TYNDALL, and of others.

6 446. At all times mentioned herein, Defendants, and in particular Defendants TYNDALL,
7 USC, and DOES 1 and DOES 1 through 100, inclusive, with knowledge of the tortious nature of their
8 own and TYNDALL'S conduct, knowingly conspired and gave each other substantial assistance to
9 perpetrate the misrepresentations, fraud, and deceit alleged herein—covering up the past allegations of
10 sexual misconduct lodged against TYNDALL and allowing TYNDALL to remain in his position as a
11 physician, faculty member, and doctor so they could maintain their reputations and continue with their
12 positions within the organization.

13 447. PLAINTIFFS and others were misled by Defendants' suppressions and concealment of
14 facts, and in reliance thereon were induced to act or induced not to act exactly as intended by Defendants.
15 Specifically, PLAINTIFFS were induced to believe that there were no allegations of criminal or sexual
16 abuse against TYNDALL, that he performed only medically necessary and reasonable medical
17 procedures in line with accepted and standard medical practices, and that he was safe to be around
18 patients. Had PLAINTIFFS, and others, known the true facts about TYNDALL, they would have not
19 participated further in activities of Defendants or continued to financially support Defendants' activities.
20 They would have reported the matters to the proper authorities and to other patients so as to prevent
21 future recurrences. They would have undertaken her own investigations which would have caused her to
22 discover the true facts and would have sought psychological counseling.

23 448. By giving TYNDALL the position of physician and faculty member, Defendants impliedly
24 represented that TYNDALL was safe and morally fit to give medical care and provide gynecological
25 treatment.

26 449. When Defendants made these affirmative or implied representations and non-
27 disclosures of material facts, Defendants knew or should have known that the facts were otherwise.
28 Defendants knowingly and intentionally suppressed the material facts that TYNDALL had on numerous

EXHIBIT

1 prior occasions sexually, physically, and mentally abused patients of Defendants and knew of or learned
2 of conduct, or should have reasonably known of conduct, by TYNDALL which placed Defendants on
3 notice that TYNDALL had previously been suspected of felonies, including unlawful sexual conduct with
4 patients, and was likely sexually abusing student-patients in his care.

5 450. Because of PLAINTIFFS' young age, and because of the status of TYNDALL as a
6 trusted authority figure, PLAINTIFFS were vulnerable to TYNDALL. TYNDALL sought
7 PLAINTIFFS out and was empowered by and accepted PLAINTIFFS' vulnerability. PLAINTIFFS'
8 vulnerability also prevented PLAINTIFFS from effectively protecting themselves from the sexual
9 advances of TYNDALL, including, in part, by rendering PLAINTIFFS unable to recognize TYNDALL'S
10 acts for what they truly were.

11 451. Defendants had the duty to obtain and disclose information relating to sexual
12 misconduct of TYNDALL.

13 452. Defendants misrepresented, concealed, and failed to disclose information relating to sexual
14 misconduct of TYNDALL.

15 453. Defendants knew that they had misrepresented, concealed, and failed to disclose
16 information related to sexual misconduct of TYNDALL.

17 454. PLAINTIFFS justifiably relied upon Defendants for information relating to safety,
18 security, history, character, authority, ability, morality, and trustworthiness of TYNDALL.

19 455. Defendants, and each of them, in concert with each other, and with the intent to conceal
20 and defraud, conspired and came to a meeting of the minds whereby they would misrepresent, conceal,
21 and fail to disclose information relating to the sexual misconduct of TYNDALL, the inability of
22 Defendants to supervise or stop TYNDALL from sexually abusing, harassing, molesting, and violating
23 student-patients, including PLAINTIFFS, and their own failure to properly investigate, supervise, and
24 monitor his conduct.

25 456. By so concealing and defrauding, Defendants committed at least one act in furtherance of
26 the conspiracy.

27 457. As a direct and proximate result of the above-described conduct, PLAINTIFFS have
28 suffered and continue to suffer great pain of mind and body, shock, emotional distress, physical

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

6 458. In subjecting PLAINTIFFS to the wrongful treatment herein described, Defendants
7 TYNDALL, USC, and DOES 1 through 100, inclusive, acted willfully and maliciously with the intent to
8 harm PLAINTIFFS and in conscious disregard of PLAINTIFFS' rights so as to constitute malice and
9 oppression under California Civil Code § 3294. PLAINTIFFS are therefore entitled to the recovery of
10 punitive damages, in an amount to be determined by the Court, against TYNDALL, USC, and DOES 1
11 through 100, inclusive, in a sum to be shown according to proof.

12
13 **PRAYER FOR RELIEF**

14 WHEREFORE, PLAINTIFFS pray for damages against Defendants, and each of them, as follows:

- 15 1. For actual damages;
- 16 2. For past, present, and future non-economic damages in an amount to be determined at trial;
- 17 3. For past, present, and future special damages, including but not limited to past, present and
18 future lost earnings, economic damages, and others in an amount to be determined at trial;
- 19 4. Any appropriate statutory damages;
- 20 5. For costs of suit;
- 21 6. Punitive damages, according to proof, as allowed by law;
- 22 7. For interest based on damages, as well as pre-judgment and post-judgment interest as
23 allowed by law;
- 24 8. For attorney's fees pursuant to California Code of Civil Procedure sections 1021.5, et
25 seq., 52, et seq., 51, et seq., 42 U.S.C. § 1988 or as otherwise allowable by law;
- 26 10. For declaratory and injunctive relief, including, but not limited to supervision of Defendant
27 USC;

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- 11. All available pecuniary damages as appropriate; and
- 12. For such other and further relief, in law in equity, to which Plaintiff may be entitled which the Court deems just and proper.

DATED: OCTOBER 7, 2018

**HODES MILMAN , LLP
D. MILLER & ASSOCIATES, PLLC
PIERCE SKRABANEK, PLLC**

By: _____
 JEFFREY A. MILMAN, ESQ.
 ANDY RUBENSTEIN, ESQ.
 MICHAEL E. PIERCE, ESQ.
 ATTORNEYS FOR PLAINTIFFS

JURY TRIAL DEMAND

Plaintiffs demands a trial by jury of all issues so triable in this action.

DATED: OCTOBER 4, 2018

**HODES MILMAN , LLP
D. MILLER & ASSOCIATES, PLLC
PIERCE SKRABANEK, PLLC**

By: _____
 JEFFREY A. MILMAN, ESQ.
 ANDY RUBENSTEIN, ESQ.
 MICHAEL E. PIERCE, ESQ.
 ATTORNEYS FOR PLAINTIFFS

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