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Attorneys for PLAINTIFFS

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

JANE DOE 1; JANE DOE 2; JANE DOE 3; JANE DOE 4; JANE DOE 5; JANE DOE 6; JANE DOE 7; JANE DOE 8; JANE DOE 9; JANE DOE 10; JANE DOE 11; JANE DOE 12; JANE DOE 13; JANE DOE 14; JANE DOE 15; JANE DOE 16; JANE DOE 17; JANE DOE 18; JANE DOE 19; JANE DOE 20; JANE DOE 21; JANE DOE 22; JANE DOE 23; JANE DOE 24; JANE DOE 25; JANE DOE 26; JANE DOE 27; JANE DOE 28; JANE DOE 29; JANE DOE 30; JANE DOE 31; JANE DOE 32; JANE DOE 33; JANE DOE 34; JANE DOE 35; JANE DOE 36;	) CASE NO.:))) **COMPLAINT FOR DAMAGES FOR:**)) 1. **SEXUAL HARASSMENT (Civil Code §§ 51.9 AND 52);**) 2. **GENDER VIOLENCE (Civil Code § 52.4);**) 3. **VIOLATION OF BANE ACT (Civil Code § 52.1;**

JANE DOE 37; JANE DOE 38; JANE DOE 39; JANE DOE 40; JANE DOE 41; JANE DOE 42; JANE DOE 43; JANE DOE 44; and JANE DOE 45,

Plaintiffs,

v.

GEORGE TYNDALL, M.D.; UNIVERSITY OF SOUTHERN CALIFORNIA, a California Corporation; and DOES 1 through 100, Inclusive,

Defendants.

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

COME NOW PLAINTIFFS, JANE DOE 1; JANE DOE 2; JANE DOE 3; JANE DOE 4; JANE DOE 5; JANE DOE 6; JANE DOE 7; JANE DOE 8; JANE DOE 9; JANE DOE 10; JANE DOE 11; JANE DOE 12; JANE DOE 13; JANE DOE 14; JANE DOE 15; JANE DOE 16; JANE DOE 17; JANE DOE 18; JANE DOE 19; JANE DOE 20; JANE DOE 21; JANE DOE 22; JANE DOE 23; JANE DOE 24; JANE DOE 25; JANE DOE 26; JANE DOE 27; JANE DOE 28; JANE DOE 29; JANE DOE 30; JANE DOE 31; JANE DOE 32; JANE DOE 33; JANE DOE 34; JANE DOE 35; JANE DOE 36; JANE DOE 37; JANE DOE 38; JANE DOE 39; JANE DOE 40; JANE DOE 41; JANE DOE 42; JANE DOE 43; JANE DOE 44; and JANE DOE 45 who allege and complain as follows:

INTRODUCTION

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

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

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

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

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

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

JURISDICTION AND VENUE

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

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

PARTIES

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

8. Plaintiff JANE DOE 1 is a resident of the State of Florida.

9. Plaintiff JANE DOE 2 is a resident of the State of California.

10. Plaintiff JANE DOE 3 is a resident of the State of California.

11. Plaintiff JANE DOE 4 is a resident of the State of New Mexico.

12. Plaintiff JANE DOE 5 is a resident of the State of New York.

13. Plaintiff JANE DOE 6 is a resident of the State of California.

14. Plaintiff JANE DOE 7 is a resident of the State of California.

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

16. Plaintiff JANE DOE 9 is a resident of the State of California.

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

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

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

20. Plaintiff JANE DOE 13 is a resident of the State of New Jersey.

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

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

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

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

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

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

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

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

29. Plaintiff JANE DOE 22 is a resident of the State of Colorado.

30. Plaintiff JANE DOE 23 is a resident of the District of Tel Aviv in the Country of Israel

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

32. Plaintiff JANE DOE 25 is a resident of the State of Illinois.

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

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

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

36. Plaintiff JANE DOE 29 is a resident of the State of California.

37. Plaintiff JANE DOE 30 is a resident of the State of California.

38. Plaintiff JANE DOE 31 is a resident of the State of Arizona.

39. Plaintiff JANE DOE 32 is a resident of the State of California.

40. Plaintiff JANE DOE 33 is a resident of the State of Louisiana.

41. Plaintiff JANE DOE 34 is a resident of the State of California.

42. Plaintiff JANE DOE 35 is a resident of the State of California.

43. Plaintiff JANE DOE 36 is a resident of the State of California.

44. Plaintiff JANE DOE 37 is a resident of the State of Texas.

45. Plaintiff JANE DOE 38 is a resident of the State of California.

46. Plaintiff JANE DOE 39 is a resident of the State of California.

47. Plaintiff JANE DOE 40 is a resident of the State of Rhode Island.

48. Plaintiff JANE DOE 41 is a resident of the State of California.

49. Plaintiff JANE DOE 42 is a resident of Middlesex County, England, United Kingdom.

50. Plaintiff JANE DOE 43 is a resident of the State of California.

51. Plaintiff JANE DOE 44 is a resident of the State of California.

52. Plaintiff JANE DOE 45 is a resident of Massachusetts.

53. Defendant, GEORGE TYNDALL, M.D. at all times material hereto, was and is an adult male individual, who, upon and information and belief, was a resident of the State of California during the period of time during which the sexual abuse, harassment, molestation, and violation of PLAINTIFFS occurred. Defendant TYNDALL may be personally served at his residence or wherever he may be found.

54. Defendant, UNIVERSITY OF SOUTHERN CALIFORNIA, at all times material hereto, was and is a California corporation, having its principal place of business in the State of California, County of Los Angeles. Defendant USC may be served by and through its registered agent.

55. The true names and capacities, whether individual, corporate, associate or otherwise, of Defendants DOES 1 through 100, inclusive, are unknown to Plaintiff, who therefore sue said Defendants by said fictitious names. Plaintiffs are informed and believe, and thereon allege, that each of said Defendants is negligently or otherwise responsible in some manner for the events and happenings herein referred to, and negligently or otherwise caused injuries and damages proximately thereby to Plaintiffs as herein alleged. Plaintiffs will amend this Complaint and insert the correct names and capacities of those Defendants when they are discovered.

56. At all times mentioned herein, each and every Defendant was an employee, agent, and/or servant of Defendant USC and DOES 1 through 100, inclusive, and/or was under their complete control and/or supervision. Defendants and each of them are individuals, corporations, partnerships, and/or other entities that engaged in, joined in, and conspired with other Defendants and wrongdoers in carrying out the tortuous and unlawful activities described in this Complaint.

57. Plaintiffs are informed and believe, and on that basis allege, that at all times material hereto, there existed a unity of interest and ownership among Defendants and each of them such that any individuality and separateness between Defendants, and each of them, ceased to exist. Defendants and each of them were the successors-in-interest and/or alter egos of the other Defendants, and each of them, in that they purchased, controlled, dominated and operated each other without any separate identity, observation of formalities, or other manner of division. To continue maintaining a façade of a separate

and individual existence between and among Defendants, and each of them, would serve to perpetuate a fraud and injustice.

58. Plaintiffs are informed and believe, and on that basis allege, that at all times material hereto, Defendant TYNDALL, Defendant USC, and DOES 1 through 100, inclusive, were the agents, representatives and/or employees of each and every other Defendant. In doing the things hereinafter alleged, Defendants and each of them were acting within the course and scope of said alternative personality, capacity, identity, agency, representation, and/or employment and were within the scope of their authority, whether actual or apparent.

59. Plaintiffs are informed and believe, and on that basis allege, that at all times mentioned herein, TYNDALL, Defendant USC, and DOES 1 through 100, inclusive, were the trustees, partners, servants, joint-ventures, shareholders, contractors, agents, and/or employees of each and every other Defendant, and the acts and omissions hereinafter alleged were done by them acting individually, through such capacity and within the scope of their authority, and with the permission and consent of each and every other Defendant and that said conduct was thereafter ratified by each and every other Defendant, and that each of them is jointly and severally liable to Plaintiff.

NATURE OF THIS ACTION

Background

60. Plaintiffs incorporate all foregoing paragraphs of this Complaint as though fully set forth herein.

61. Defendant USC is a well-known private research university with nationally-popular intercollegiate athletic programs. In its history, USC's sports teams' successes have outpaced those of the university. However, in response, the university took upon itself an aggressive fundraising and recruiting campaign to remake its image and reputation. With promises of top-notch facilities, ideal location, job opportunities, and a welcoming, productive, and safe academic and work environment, Defendant USC's efforts have met with considerable success. Defendant USC has successfully courted top-tier students and faculty and holds itself out as one of the world's most elite, prestigious, and reputable institutions of higher learning. USC claims to offer an "outstanding education accessible to a highly talented and diverse student

body" and an environment "where living and learning, college and community find a new home together." Many of these achievements were made possible by remarkable successes in fundraising.

62. According to USC's own financial report for 2017, its endowment had swelled to approximately $5.1 billion—making it one of the top-25 most wealthy schools in the country. USC set its own goal of securing $6 billion in private support and accomplished this goal over a year ahead of schedule, calling it one of "the most successful campaigns in higher education." During the 2017 academic year, a total of 45,687 students were enrolled at USC—19,170 of which were undergraduates and 26,517 were pursuing a graduate education. As the endowment and funds available to the university began to balloon, so too has the cost of attendance for students. Currently, an undergraduate student at USC can expect to incur approximately $75,000 in costs per year—making it one of the costliest universities in the country. The cost of a four-year degree at USC now approaches $300,000 with tuition increases likely to push the costs beyond that mark. Yet, all the while USC was experiencing a boon to its finances and reputation, it was actively neglecting the growing chorus of complaints regarding one of its employees who was given direct, intimate, and sexual access to a carousel of young female students—students to whom USC owed a duty to foster and protect.

63. Following earning his medical degree from the Medical College of Pennsylvania in 1985 and completing his residency in Obstetrics and Gynecology at Kaiser Foundation Hospital in Los Angeles, California, in 1989, Defendant TYNDALL took a position at USC's student health clinic as a full-time gynecologist. TYNDALL took this job over other higher-paying offers for the opportunity to work with the bright, sophisticated women of what he called "the Stanford of the South." TYNDALL'S excitement with his new position was even reflected on his personalized license plate at the time which read "COEDDOC." It was not very long following TYNDALL'S hiring that problems began to arise. Many male gynecologists embrace the practice of having chaperones—typically a female nurse or medical assistant—accompany the gynecologist and the patient in the exam room. This practice was followed by USC and TYNDALL and USC employees would chaperone students while in the exam room with TYNDALL. From the beginning, chaperones began to become alarmed by the frequency with which TYNDALL would photograph patients' genitalia. This issue was raised by staff of the clinic to the university administrators and supposedly addressed.

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

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

66. TYNDALL remained undeterred and his behavior only worsened. Chaperones report witnessing TYNDALL sexually insert his fingers into his patient's vaginas during pelvic exams and repeatedly move his fingers in and out of patients. This was all accompanied by "creepy" and off-putting commentary by TYNDALL about how "tight" the young ladies were and how much their boyfriends are "gonna love it." Again, both students and chaperones complained, and supervisors said, "they would look into it," but no action was taken against TYNDALL or to protect students. Defendant TYNDALL was left free to carry on with his business as normal—seeing an estimated 16 young women per day.

67. It was not until June 2016 that anyone from USC began to take real action against TYNDALL and, even then, change was slow to follow. The chaperones' supervisor, Gilbert, after witnessing at least a dozen pelvic exams she felt were inappropriate and witnessing TYNDALL ask to keep an intrauterine device covered in blood and tissue he had just removed from a young woman, finally went to USC's rape crisis center. While TYNDALL was away on vacation, Gilbert and other employees gained access to TYNDALL'S office where they discovered a hidden box of photographs of patients' genitals dating back to 1990. Only then did USC take any action by phoning TYNDALL and telling him

to not return to the campus and the clinic. What followed was an investigation into the photographs and complaints that lasted until January 2017, all while TYNDALL continued to collect his salary. An independent consulting firm and gynecologist concluded that TYNDALL had exhibited unprofessional and inappropriate behavior and had exceeded current standards of care. However, no criminal activity was reported to the authorities.

68. In January 2017, TYNDALL was called to the outskirts of campus where he was informed that he had violated USC's policy on sexual harassment and was slated for termination. While the exact details of what happened next are in dispute, on June 30, 2017, Defendant USC allowed Defendant TYNDALL to quietly resign, financial settlement in hand, in a continued attempt to conceal TYNDALL's decades-long serial sexual abuse and violation of USC students. In so doing, USC aimed only to preserve its public image, to avoid criminal consequences and civil liability, and prevent irreparable damage to its standing, particularly among prospective students and donors. USC's actions exhibit no concern or care whatsoever for the victims TYNDALL had left in his wake.

69. While TYNDALL'S and USC'S accounts of the last days of TYNDALL'S employment with USC vary, what really matters is that for 27 years Defendant TYNDALL perpetrated serial sexual abuse, harassment, molestation, and violation upon young "Trojan Women", aided and abetted by the willful indifference and active concealment of USC. While the acts of Defendant TYNDALL are repugnant and appalling, Defendant USC's complicity cannot be overstated. Complaint after complaint was lodged to utterly no effect. "Investigations" went nowhere. But, perhaps in the greatest act of betrayal, the student victims of Defendant TYNDALL were forsaken by the USC employees and agents—the chaperones—who were supposed to protect these women when they were most vulnerable. For every chaperone who spoke out or voiced a complaint, how many instances of sexual abuse, harassment, molestation, and violation did they sit through before they reported TYNDALL? How many chaperones never said a word and violated the duty they owed to TYNDALL'S victims? For whatever else might be said, for nearly three decades Defendant TYNDALL exploited his position of trust and authority to satiate his own prurient desires. For nearly three decades, Defendant USC offered up its female students—those whom they were charged with safekeeping and to whom they owed a special duty—to a serial sexual predator in a proverbial buffet of potential victims.

Plaintiffs

PLAINTIFF JANE DOE 1

70. Plaintiff JANE DOE 1 attended USC from 2000 through 2003.

71. During her time as a student, JANE DOE 1 made an appointment through the on-campus Student Health Clinic for gynecological care. JANE DOE 1 paid the additional fees to ensure she had access to healthcare, so she relied on USC's Student Health Clinic for all of her medical needs. More importantly, she trusted that USC would take care to provide only the safest, most professional practitioners to work in the on-campus Clinic. JANE DOE 1 believed that she could trust the doctors and staff of the Student Health Clinic because they were provided by her university. JANE DOE 1's trust was, however, sadly misplaced.

72. After scheduling a 'wellness' exam, USC assigned JANE DOE 1 to Defendant TYNDALL to perform the gynecological services JANE DOE 1 needed. During the course of the exam, JANE DOE 1 was sexually assaulted, harassed, molested, and violated by Defendant TYNDALL all while under the supposed care and protection of Defendant USC. JANE DOE 1 laid on the exam room table, completely naked, while TYNDALL poked, prodded, and groped her body, including her breasts, all while making inappropriate and sexually charged comments. TYNDALL commented that JANE DOE 1 had "such a nice tan" and that she was "so attractive" while performing the examination without any gloves. TYNDALL paused while groping JANE DOE 1's breasts telling her how "tense" her breasts were. When it came time for the pelvic exam, TYNDALL lingered with his hands and fingers in and around JANE DOE 1's vagina. Prior to using the speculum, TYNDALL inserted two fingers into JANE DOE 1's vagina and began moving his fingers around inside of her—at first in little circles and then began to slide his fingers in-and-out simulating intercourse. Once the speculum was finally inserted, TYNDALL once again put his fingers back inside of JANE DOE 1's vagina for some time. All of this took place under the supposed care and protection of USC's "chaperones"—Clinic staff members who were present and witnessed TYNDALL's inappropriate comments and behavior. These chaperones stood by silently while TYNDALL sexually assaulted, harassed, molested, and violated JANE DOE 1. In a perverse twist, it was those USC staff members who were supposed to protect JANE DOE 1 that made JANE DOE 1 believe that TYNDALL's conduct was appropriate and that he was simply performing a legitimate, albeit

uncomfortable, medical procedure. JANE DOE 1 assumed that the chaperone's silence and non-intervention indicated that what was occurring was perfectly normal and natural. It was not until many years later, in May 2018, when the truth of TYNDALL's conduct and USC's cover-up were reported in the national media that JANE DOE 1 discovered the truth of what had occurred.

PLAINTIFF JANE DOE 2

73. JANE DOE 2 attended USC from 2009 through 2013.

74. During her time at USC there was a small outbreak of bronchitis. Consequently, JANE DOE 2 became very sick and decided to visit the on-campus Student Health Center where she was in fact diagnosed with bronchitis. The doctor who saw her for bronchitis reviewed JANE DOE 2's medical chart and told her she was missing some routine gynecological procedures. JANE DOE 2 hadn't planned on visiting the gynecologist, but the doctor told her she could have the procedures done right then without the need for scheduling a separate appointment because the Clinic had an available gynecologist on hand. JANE DOE 2 had never had a pelvic exam done before but agreed to see the gynecologist because it seemed convenient to not have to come back for another appointment and she trusted USC to provide good doctors. The doctor she had seen for her bronchitis left and she was soon left alone in the exam room for several minutes before the gynecologist, Defendant TYNDALL, entered the exam room.

75. TYNDALL began his exam by walking into the room and exclaiming that he believed JANE DOE 2 was a boy due to her masculine haircut until he saw the size of her large breasts. The comments only compounded when the exam began. With his un-gloved hands TYNDALL grabbed and began manipulating the lips and folds of JANE DOE 2's vagina. TYNDALL would pull and stretch on JANE DOE's labia and move them back and forth for some time prior to the beginning of the actual examination. When TYNDALL's fingers were not engaged in the examination he rested his fingers continuously at the opening of JANE DOE 2's vagina and her anus. During the examination TYNDALL probed JANE DOE 2, both digitally and with the equipment, and repeatedly commented on how "tight" JANE DOE 2 was how she needed to "open wider" because she was "too tight." This lead TYNDALL to ask about JANE DOE 2's sexual activity and whether she was having "real sex with men." JANE DOE 2 had disclosed to TYNDALL that she was a lesbian and had only been sexually active with women.

TYNDALL latched on to this bit of information and wistfully hoped that "maybe one day" JANE DOE 2 would have "real sex."

76. This all took place under the supposed care and protection of USC's chaperones who were supposed to protect JANE DOE 2 from this sort of behavior. These chaperones stood by silently while TYNDALL sexually assaulted, harassed, molested, and violated JANE DOE 2. JANE DOE 2 thought that the exam was very uncomfortable but believed that perhaps she was being too sensitive due to her sexual orientation and that the exam must have been normal because the chaperones did nothing to stop or correct TYNDALL. It was not until May 2018 that JANE DOE 2 discovered that she had not been subjected to a perfectly normal medical procedure. It was only after TYNDALL's sexual predation of USC students and USC's cover-up was exposed in the national media that JANE DOE 2 discovered she had been sexually assaulted, harassed, molested, and violated by TYNDALL.

PLAINTIFF JANE DOE 3

77. In 2006, while a student at USC, JANE DOE 3 decided to utilize the on-campus Student Health Clinic for her gynecological and medical needs. The USC Clinic then provided her an appointment with Defendant TYNDALL for a gynecological exam. At her appointment, once she was in the exam room, JANE DOE 3 was made to disrobe entirely and to let TYNDALL conduct his "exam." Without any gloves on, TYNDALL proceeded to examine her entire body, paying particular attention and lingering on JANE DOE 3's breasts. Defendant TYNDALL's conduct only worsened during the pelvic exam. During the pelvic exam, TYNDALL took two fingers and digitally penetrated JANE DOE 3's vagina and began making a "hooking" motion against the front wall of her vagina. At this point TYNDALL commented that "most women find this part enjoyable." TYNDALL did then stop "hooking" his fingers inside JANE DOE 3's vagina but instead started to move his fingers in-and-out in a simulated sex act. Finally, once the "exam" was over, JANE DOE 3 left the Clinic feeling very uncomfortable but unsure what had occurred.

78. JANE DOE 3 had limited experience with any sort of gynecological care at the time of her sexual assault, harassment, molestation, and violation at the hands of TYNDALL. JANE DOE 3 assumed that she had received an ordinary medical procedure because she trusted as a doctor but, more importantly, trusted USC and the Clinic to make sure that its doctors were safe and professional. JANE DOE 3 never imagined that USC would employ and hold out TYNDALL as a safe and competent medical services after

discovering the true nature of TYNDALL's acts in May 2018. Unfortunately, JANE DOE 3 realized the extent and true nature of what had occurred when TYNDALL's behavior was exposed in the national media.

PLAINTIFF JANE DOE 4

79. JANE DOE 4 attended USC from 2001 through 2005.

80. JANE DOE 4 required a gynecological exam during her time at USC and opted for using the on-campus Student Health Clinic which she had already paid for as part of her tuition. JANE DOE 4 was very inexperienced with seeing the gynecologist as she had only seen the gynecologist once before in high school. She walked into the Clinic hoping that there was an appointment available. The Clinic then assigned Defendant TYNDALL to see JANE DOE 4 and to perform the exam. Once in the exam room, JANE DOE 4 was asked to get completely naked while TYNDALL was in the exam room and was not offered a gown to cover up at any point. Without any gloves on at any point, TYNDALL began the exam by fondling and toying with JANE DOE 4's breasts, including painfully and repeatedly pinching and pulling her nipples. When TYNDALL shifted his attention to performing the pelvic exam, TYNDALL inserted his ungloved, uncleaned, and unlubricated fingers into JANE DOE 4's vagina. TYNDALL then began moving his fingers repeatedly in and out simulating intercourse. This went on for nearly half the length of the entire exam. JANE DOE 4 left her appointment feeling very uncomfortable but believed that she had experienced a medically appropriate exam due to the fact that the USC chaperone in the room gave no indication that anything untoward had occurred. She believed that because she had gone to her own university's on-campus Clinic that she could trust the doctors that worked there. It was because of USC's holding out of TYNDALL as a safe and trustworthy medical professional that JANE DOE 4 concluded that she was being overly sensitive and that her experience was normal. However, when TYNDALL's and USC's acts were exposed in the national media, JANE DOE 4 first discovered the truth of her sexual abuse, harassment, molestation, and violation at the hands of TYNDALL and facilitated by USC.

PLAINTIFF JANE DOE 5

81. JANE DOE 5 attended USC from 2006 through 2010. JANE DOE 5 sought medical attention from the USC on-campus Student Health Center for a pelvic exam.

82. TYNDALL inappropriately touched JANE DOE 5 and/or made inappropriate comments and/or took inappropriate photographs during JANE DOE 5's pelvic exam.

83. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's coverup was exposed in the national media, JANE DOE 5 discovered for the first time that she had in fact been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 5 now believes that TYNDALL's inappropriate touching and/or inappropriate comments and/or taking of inappropriate photographs was his way of sexually abusing, harassing, molesting, and violating JANE DOE 5.

PLAINTIFF JANE DOE 6

84. JANE DOE 6 attended USC from 2010 through 2013.

85. In 2011, JANE DOE 6 wanted a birth control prescription, so she made an appointment through USC's Student Health Clinic to see a doctor to talk to about getting the prescription. The Clinic informed her that her appointment would be with TYNDALL. At the time, JANE DOE 6 thought nothing of having an appointment with TYNDALL because she trusted doctors and trusted that the university clinic would employ only professional and safe doctors. Once she got to her appointment and met TYNDALL, JANE DOE 6 told him that she wanted birth control. However, TYNDALL insisted that JANE DOE 6 have a pap smear prior to prescribing her birth control. Reluctantly, JANE DOE 6 agreed because, although she hadn't planned on having any procedures, she had almost no experience with gynecologists and assumed that the Clinic was just being thorough. Once in the exam room, JANE DOE 6 got undressed with TYNDALL and a female medical assistant employed by USC acting as a chaperone. The exam then started with TYNDALL closely examining her pubic region and commenting on JANE DOE 6's shaving habits. TYNDALL then digitally penetrated JANE DOE 6's vagina with two fingers. TYNDALL left his fingers inside of her for what seemed like a considerable amount of time and was working his fingers back and forth inside of her in a "wriggling" motion. During this time TYNDALL commented on JANE DOE 6's body and asking her about her workouts. TYNDALL's comments then took on a directly sexual tone when he tried to convince JANE DOE 6 to get an inter-uterine device ("IUD") known as a "NuvaRing." JANE DOE 6 wanted oral birth control, but TYNDALL kept pushing the NuvaRing saying that she should not be worried about her future husband feeling it during sex. TYNDALL then started describing his own sexual experiences with women with the NuvaRing in order

to tell JANE DOE 6 that he personally knew that it wouldn't hurt to have sex with the IUD. Instead, TYNDALL told JANE DOE 6 that he was sure that she would enjoy having sex with it. In an attempt to move the conversation along and away from imagining her having sex, JANE DOE 6 agreed to get the IUD.

86. JANE DOE 6 felt embarrassed by her exam with TYNDALL but, on reflection, thought that it was just her who was being too sensitive. She concluded that the USC chaperone would have spoken up or stopped what was going on if anything medically inappropriate had occurred. JANE DOE 6 had no medical expertise or specialty and had only the most limited gynecological experience before seeing TYNDALL. When combined with her trust in USC to protect her and to provide safe and professional doctors at the Student Health Clinic, JANE DOE 6 believed she had experienced a normal gynecological exam. It was not until May 2018 when TYNDALL's story broke in the national media that JANE DOE 6 realized that she had been a victim of sexual abuse, harassment, molestation, and violation.

PLAINTIFF JANE DOE 7

87. JANE DOE 7 attended USC from on or about 2008 through 2011.

88. JANE DOE 7 sought medical care from the USC on-campus Student Health Center. TYNDALL inappropriately touched JANE DOE 7 and/or made inappropriate comments and/or took inappropriate photographs during JANE DOE 7's exam.

89. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's coverup was exposed in the national media, JANE DOE 7 discovered for the first time that she had in fact been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 7 now believes that TYNDALL'S inappropriate touching and/or inappropriate comments and/or taking of inappropriate photographs was his way of sexually abusing, harassing, molesting, and violating JANE DOE 7.

PLAINTIFF JANE DOE 8

90. JANE DOE 8 attended USC from 2001 to 2005.

91. JANE DOE 8 sought medical attention from the USC on-campus Student Health Center various times for treatment of UTI's and a pelvic exam.

92. The pelvic exam that JANE DOE 8 requested was her first pelvic exam. JANE DOE 8'S doctor for the pelvic exam was TYNDALL. During the exam, TYNDALL had gloves on and touched JANE DOE 8 in inappropriate ways and made inappropriate comments.

93. At another pelvic exam, JANE DOE 8's doctor was TYNDALL. During this exam, TYNDALL did not have gloves on and inappropriately touched her.

94. When JANE DOE 8 went to the USC on-campus Student Health Center for treatment during her UTI appointments, TYNDALL performed pelvic exams on JANE DOE 8.

95. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's coverup was exposed in the national media, JANE DOE 8 discovered for the first time that she had in fact been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 8 now believes that the multiple pelvic exams was a mere pretext perpetrated by TYNDALL so that he would have a multiple opportunities to sexually abuse, harass, molest, and violate JANE DOE 8.

PLAINTIFF JANE DOE 9

96. JANE DOE 9 attended USC from 2008-2013.

97. JANE DOE 9 sought medical attention from the USC on-campus Student Health Center for a gynecological check-up due to an infection.

98. TYNDALL was her doctor for the exam. TYNDALL made comments that objectified her body.

99. During the pelvic exam, TYNDALL was gloved and lingered longer than other exams that JANE DOE 9 had experience.

100. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's coverup was exposed in the national media, JANE DOE 9 discovered for the first time that she had in fact been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 9 now believes that the lingering and remarks by TYNDALL was his way of sexually abusing, harassing, molesting, and violating JANE DOE 9.

PLAINTIFF JANE DOE 10

101. JANE DOE 10 attended USC from 1999-2003 and for one semester in 2005.

102. JANE DOE 10 sought medical attention from the USC on-campus Student Health Center on multiple occasions.

103. JANE DOE 10's first encounter with TYNDALL was for her first pelvic exam. JANE DOE 10 had multiple appointments after this first pelvic exams because of gynecological issues, reoccurring yeast infection, birth control and other issues. TYNDALL was her doctor for all these exams.

104. During the pelvic exam, TYNDALL made inappropriate sexual comments. During pelvic exams TYNDALL inappropriately touched JANE DOE 10 and moved his fingers in an inappropriate manner.

105. During another exam, TYNDALL took an inappropriate photograph of JANE DOE 10's genitals while a chaperone was in the room. Further, TYNDALL used inappropriate pet names for JANE DOE 10.

106. During a breast exam, TYNDALL inappropriately touched JANE DOE 10.

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

JANE DOE 11

108. JANE DOE 11 attended USC from 2004-2009.

109. JANE DOE 11 sought medical attention from the USC on-campus Student Health Center to discuss birth control options and to get a check-up.

110. JANE DOE 11 had her first pelvic exam at the USC on-campus Student Health Center. During her time at USC, all of JANE DOE 11 appointments were performed by TYNDALL.

111. During JANE DOE 11's pelvic exam, TYNDALL said inappropriate comments, about her sexuality, her race, and the physical state of her vagina.

112. Also during JANE DOE 11's exam, TYNDALL used his fingers inappropriately.

113. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's coverup was exposed in the national media, JANE DOE 11 discovered for the first time that she had in

fact been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 11 now believes that TYNDALL's inappropriate touching and inappropriate comments was his way of sexually abusing, harassing, molesting, and violating JANE DOE 11.

JANE DOE 12

114. JANE DOE 12 attended USC from 1996-2000.

115. JANE DOE 12 sought medical attention from the USC on-campus Student Health Center for a pelvic exam.

116. TYNDALL made inappropriate comments during JANE DOE 12's pelvic exam.

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

JANE DOE 13

118. JANE DOE 13 attended USC from 2003-2005.

119. JANE DOE 13 sought medical attention from the USC on-campus Student Health Center for a pelvic exam.

120. TYNDALL inappropriately touched JANE DOE 13 and made inappropriate comments during JANE DOE 13's pelvic exam.

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

JANE DOE 14

122. JANE DOE 14 was born in October of 1978 and attended USC for college.

123. JANE DOE 14 sought medical attention from the USC on-campus Student Health Center for a pelvic exam.

124. TYNDALL inappropriately touched JANE DOE 14 and/or made inappropriate comments and/or took inappropriate photographs during JANE DOE 14's pelvic exam.

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

JANE DOE 15

126. JANE DOE 15 attended USC from 2008-2013.

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

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

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

JANE DOE 16

130. JANE DOE 16 attended USC from 1993-1999.

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

132. TYNDALL inappropriately touched JANE DOE 16 and made inappropriate comments during JANE DOE 16's pelvic exam.

133. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's coverup was exposed in the national media, JANE DOE 16 discovered for the first time that she had in fact been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 16 now believes that

TYNDALL's inappropriate touching and inappropriate comments was his way of sexually abusing, harassing, molesting, and violating JANE DOE 16

JANE DOE 17

134. JANE DOE 17 attended USC from 2002-2004.

135. JANE DOE 17 sought medical attention from the USC on-campus Student Health Center for a pelvic exam.

136. TYNDALL inappropriately touched JANE DOE 17 and/or made inappropriate comments during and/or took inappropriate photographs during JANE DOE 17's pelvic exam.

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

JANE DOE 18

138. JANE DOE 18 attended USC for undergrad from 1988-1992 and then graduate school from 1995-1996.

139. JANE DOE 18 sought medical attention from the USC on-campus Student Health Center for a pelvic exam.

140. TYNDALL inappropriately touched JANE DOE 18 and/or made inappropriate comments and/or took inappropriate photographs during JANE DOE 18's pelvic exam.

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

JANE DOE 19

142. JANE DOE 19 attended USC from 2002-2004.

143. JANE DOE 19 sought medical attention from the USC on-campus Student Health Center for a pelvic exam.

144. TYNDALL inappropriately touched JANE DOE 19 and/or made inappropriate comments and/or took inappropriate photographs during JANE DOE 19's pelvic exam.

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

JANE DOE 20

146. JANE DOE 20 attended USC from 2010-2012.

147. JANE DOE 20 sought medical attention from the USC on-campus Student Health Center for a pelvic exam.

148. TYNDALL inappropriately touched JANE DOE 20 and/or made inappropriate comments and/or took inappropriate photographs during JANE DOE 20's pelvic exam.

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

JANE DOE 21

150. JANE DOE 21 attended USC from 2009-2013.

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

152. TYNDALL inappropriately touched JANE DOE 21 and/or made inappropriate comments and/or took inappropriate photographs during JANE DOE 21's pelvic exam.

153. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's coverup was exposed in the national media, JANE DOE 21 discovered for the first time that she had in fact been

sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 21 now believes that TYNDALL's inappropriate touching and/or inappropriate comments and/or taking of inappropriate photographs was his way of sexually abusing, harassing, molesting, and violating JANE DOE 21.

JANE DOE 22

154. JANE DOE 22 attended USC from 2011-2015.

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

156. TYNDALL inappropriately touched JANE DOE 22 and/or made inappropriate comments and/or took inappropriate photographs during JANE DOE 22's pelvic exam.

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

JANE DOE 23

158. JANE DOE 23 attended USC from 2005-2006.

159. JANE DOE 23 sought medical attention from the USC on-campus Student Health Center and was pregnant with a child when she saw TYNDALL.

160. TYNDALL inappropriately touched JANE DOE 23 and made inappropriate comments during JANE DOE 23's exam.

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

JANE DOE 24

162. JANE DOE 24 was born November of 1984 and attended USC.

163. JANE DOE 24 sought medical attention from the USC on-campus Student Health Center for a pelvic exam.

164. TYNDALL inappropriately touched JANE DOE 24 and/or made inappropriate comments and/or took inappropriate photographs during JANE DOE 24'S pelvic exam.

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

JANE DOE 25

166. JANE DOE 25 was born June of 1978 and attended USC.

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

168. TYNDALL inappropriately touched JANE DOE 25 and/or made inappropriate comments and/or took inappropriate photographs during JANE DOE 25's pelvic exam.

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

JANE DOE 26

170. JANE DOE 26 was born May of 1994 and attended USC.

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

172. TYNDALL inappropriately touched JANE DOE 26 and/or made inappropriate comments and/or took inappropriate photographs during JANE DOE 26's pelvic exam.

173. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's coverup was exposed in the national media, JANE DOE 26 discovered for the first time that she had in fact been

sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 26 now believes that TYNDALL's inappropriate touching and/or inappropriate comments and/or taking of inappropriate photographs was his way of sexually abusing, harassing, molesting, and violating JANE DOE 26.

JANE DOE 27

174. JANE DOE 27 attended USC in 1990.

175. JANE DOE 27 sought medical attention from the USC on-campus Student Health Center for consultation and a yeast infection.

176. TYNDALL inappropriately touched JANE DOE 27 and made inappropriate comments during JANE DOE 27's pelvic exam.

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

JANE DOE 28

178. JANE DOE 28 attended USC.

179. JANE DOE 28 sought medical attention from the USC on-campus Student Health Center for a pelvic exam.

180. TYNDALL inappropriately touched JANE DOE 28 and/or made inappropriate comments and/or took inappropriate photographs during JANE DOE 28's pelvic exam.

181. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's coverup was exposed in the national media, JANE DOE 28 discovered for the first time that she had in fact been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 28 now believes that TYNDALL's inappropriate touching and/or inappropriate comments and/or taking of inappropriate photographs was his way of sexually abusing, harassing, molesting, and violating JANE DOE 28.

JANE DOE 29

182. JANE DOE 29 attended USC from 2013-2016.

183. JANE DOE 29 sought medical attention from the USC on-campus Student Health Center to consult for birth control.

184. JANE DOE 29 had to have an examination performed. During the examination, TYNDALL inappropriately touched JANE DOE 29 and made inappropriate comments.

185. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's coverup was exposed in the national media, JANE DOE 29 discovered for the first time that she had in fact been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 29 now believes that TYNDALL's inappropriate touching and inappropriate comments was his way of sexually abusing, harassing, molesting, and violating JANE DOE 29.

JANE DOE 30

186. JANE DOE 30 was born April of 1971 and attended USC.

187. JANE DOE 30 sought medical attention from the USC on-campus Student Health Center for a pelvic exam.

188. TYNDALL inappropriately touched JANE DOE 30 and/or made inappropriate comments and/or took inappropriate photographs during JANE DOE 30's pelvic exam.

189. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's coverup was exposed in the national media, JANE DOE 30 discovered for the first time that she had in fact been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 30 now believes that TYNDALL's inappropriate touching and/or inappropriate comments and/or took inappropriate photographs was his way of sexually abusing, harassing, molesting, and violating JANE DOE 30.

JANE DOE 31

190. JANE DOE 31 was born in May of 1970 and attended USC.

191. JANE DOE 31 sought medical attention from the USC on-campus Student Health Center for a pelvic exam.

192. TYNDALL inappropriately touched JANE DOE 31 and/or made inappropriate comments and/or took inappropriate photographs during JANE DOE 31's pelvic exam.

193. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's coverup was exposed in the national media, JANE DOE 31 discovered for the first time that she had in fact been

sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 31 now believes that TYNDALL's inappropriate touching and/or inappropriate comments and/or the taking of inappropriate photographs was his way of sexually abusing, harassing, molesting, and violating JANE DOE 31.

JANE DOE 32

194. JANE DOE 32 attended USC from 1993-1995.

195. JANE DOE 32 sought medical attention from the USC on-campus Student Health Center for a pelvic exam.

196. TYNDALL inappropriately touched JANE DOE 32 and/or made inappropriate comments and/or took inappropriate photographs during JANE DOE 32's pelvic exam.

197. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's coverup was exposed in the national media, JANE DOE 32 discovered for the first time that she had in fact been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 32 now believes that TYNDALL's inappropriate touching and/or inappropriate comments and/or the taking of inappropriate photographs was his way of sexually abusing, harassing, molesting, and violating JANE DOE 32.

JANE DOE 33

198. JANE DOE 33 was born April of 1984 attended USC.

199. JANE DOE 33 sought medical attention from the USC on-campus Student Health Center for a pelvic exam.

200. TYNDALL inappropriately touched JANE DOE 33 and/or made inappropriate comments and/or took inappropriate photographs during JANE DOE 33's pelvic exam.

201. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's coverup was exposed in the national media, JANE DOE 33 discovered for the first time that she had in fact been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 33 now believes that TYNDALL's inappropriate touching and/or inappropriate comments and/or the taking of inappropriate photographs was his way of sexually abusing, harassing, molesting, and violating JANE DOE 33.

JANE DOE 34

202. JANE DOE 34 was born April of 1975 and attended USC.

203. JANE DOE 34 sought medical attention from the USC on-campus Student Health Center for a pelvic exam.

204. TYNDALL inappropriately touched JANE DOE 34 and/or made inappropriate comments and/or took inappropriate photographs during JANE DOE 34's pelvic exam.

205. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's coverup was exposed in the national media, JANE DOE 34 discovered for the first time that she had in fact been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 34 now believes that TYNDALL's inappropriate touching and/or inappropriate comments and/or the taking of inappropriate photographs was his way of sexually abusing, harassing, molesting, and violating JANE DOE 34.

JANE DOE 35

206. JANE DOE 35 was born November of 1995 and attended USC.

207. JANE DOE 35 sought medical attention from the USC on-campus Student Health Center for a pelvic exam.

208. TYNDALL inappropriately touched JANE DOE 35 and made inappropriate comments during JANE DOE 35's pelvic exam.

209. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's coverup was exposed in the national media, JANE DOE 35 discovered for the first time that she had in fact been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 35 now believes that TYNDALL's inappropriate touching and inappropriate comments and the taking of inappropriate photographs was his way of sexually abusing, harassing, molesting, and violating JANE DOE 35.

JANE DOE 36

210. JANE DOE 36 attended USC FROM 1987-1991.

211. JANE DOE 36 sought medical attention from the USC on-campus Student Health Center for a pelvic exam.

212. TYNDALL inappropriately touched JANE DOE 36 and/or made inappropriate comments during JANE DOE 36's pelvic exam.

213. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's coverup was exposed in the national media, JANE DOE 36 discovered for the first time that she had in fact been

sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 36 now believes that TYNDALL's inappropriate touching and/or inappropriate comments and/or the taking of inappropriate photographs was his way of sexually abusing, harassing, molesting, and violating JANE DOE 36.

JANE DOE 37

214. JANE DOE 37 attended USC from 2001-2004.

215. JANE DOE 37 sought medical attention from the USC on-campus Student Health Center for a pelvic exam.

216. TYNDALL inappropriately touched JANE DOE 37 and/or made inappropriate comments and/or took inappropriate photographs during JANE DOE 37's pelvic exam.

217. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's coverup was exposed in the national media, JANE DOE 37 discovered for the first time that she had in fact been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 37 now believes that TYNDALL's inappropriate touching and/or inappropriate comments and/or the taking of inappropriate photographs was his way of sexually abusing, harassing, molesting, and violating JANE DOE 37.

JANE DOE 38

218. JANE DOE 38 attended USC.

219. JANE DOE 38 sought medical attention from the USC on-campus Student Health Center for a pelvic exam.

220. TYNDALL inappropriately touched JANE DOE 38 and/or made inappropriate comments and/or took inappropriate photographs during JANE DOE 38's pelvic exam.

221. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's coverup was exposed in the national media, JANE DOE 38 discovered for the first time that she had in fact been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 38 now believes that TYNDALL's inappropriate touching and/or inappropriate comments and/or the taking of inappropriate photographs was his way of sexually abusing, harassing, molesting, and violating JANE DOE 38.

JANE DOE 39

222. JANE DOE 39 attended USC from the late 1990s through the early 2000s.

223. JANE DOE 39 sought medical attention from the USC on-campus Student Health Center for a pelvic exam.

224. TYNDALL inappropriately touched JANE DOE 39 and/or made inappropriate comments and/or took inappropriate photographs during JANE DOE 39's exam.

225. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's coverup was exposed in the national media, JANE DOE 39 discovered for the first time that she had in fact been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 39 now believes that TYNDALL's inappropriate touching and inappropriate comments and/or the taking of inappropriate photographs was his way of sexually abusing, harassing, molesting, and violating JANE DOE 39.

JANE DOE 40

226. JANE DOE 40 was born in April of 1971 and attended USC.

227. JANE DOE 40 sought medical attention from the USC on-campus Student Health Center for a pelvic exam.

228. TYNDALL inappropriately touched JANE DOE 40 and/or made inappropriate comments and/or took inappropriate photographs during JANE DOE 40's pelvic exam.

229. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's coverup was exposed in the national media, JANE DOE 40 discovered for the first time that she had in fact been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 40 now believes that TYNDALL's inappropriate touching and/or inappropriate comments and/or the taking of inappropriate photographs was his way of sexually abusing, harassing, molesting, and violating JANE DOE 40.

JANE DOE 41

230. JANE DOE 41 graduated from USC in 1994.

231. JANE DOE 41 sought medical attention from the USC on-campus Student Health Center for a pelvic exam.

232. TYNDALL inappropriately touched JANE DOE 41 and/or made inappropriate comments and took inappropriate photographs during JANE DOE 41's pelvic exam.

233. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's coverup was exposed in the national media, JANE DOE 41 discovered for the first time that she had in fact been

sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 41 now believes that TYNDALL's inappropriate touching and/or inappropriate comments and/or the taking of inappropriate photographs was his way of sexually abusing, harassing, molesting, and violating JANE DOE 41.

JANE DOE 42

234. JANE DOE 42 attended USC.

235. JANE DOE 42 sought medical attention from the USC on-campus Student Health Center for a pelvic exam.

236. TYNDALL inappropriately touched JANE DOE 42 and/or made inappropriate comments and/or took inappropriate photographs during JANE DOE 42's pelvic exam.

237. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's coverup was exposed in the national media, JANE DOE 42 discovered for the first time that she had in fact been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 42 now believes that TYNDALL's inappropriate touching and/or inappropriate comments and/or the taking of inappropriate photographs was his way of sexually abusing, harassing, molesting, and violating JANE DOE 42.

JANE DOE 43

238. JANE DOE 43 attended USC from 1990-1992.

239. JANE DOE 43 sought medical attention from the USC on-campus Student Health Center for a pelvic exam.

240. TYNDALL inappropriately touched JANE DOE 43 and made inappropriate comments during JANE DOE 43's pelvic exam.

241. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's coverup was exposed in the national media, JANE DOE 43 discovered for the first time that she had in fact been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 43 now believes that TYNDALL's inappropriate touching and/or inappropriate comments was his way of sexually abusing, harassing, molesting, and violating JANE DOE 43.

JANE DOE 44

242. JANE DOE 44 attended USCFROM 1989-1993.

243. JANE DOE 44 sought medical attention from the USC on-campus Student Health Center for a pelvic exam.

244. TYNDALL inappropriately touched JANE DOE 44 and made inappropriate comments and took inappropriate photographs during JANE DOE 44's pelvic exam.

245. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's coverup was exposed in the national media, JANE DOE 44 discovered for the first time that she had in fact been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 44 now believes that TYNDALL's inappropriate touching and inappropriate comments and the taking of inappropriate photographs was his way of sexually abusing, harassing, molesting, and violating JANE DOE 44.

JANE DOE 45

246. JANE DOE 45 attended USC from 1998-2000.

247. JANE DOE 45 sought medical attention from the USC on-campus Student Health Center for a pelvic exam.

248. TYNDALL inappropriately touched JANE DOE 45 and/or made inappropriate comments and/or took inappropriate photographs during JANE DOE 45's pelvic exam.

249. In May 2018, when the extent and true nature of TYNDALL's behavior and USC's coverup was exposed in the national media, JANE DOE 45 discovered for the first time that she had in fact been sexually abused, harassed, molested, and violated by TYNDALL. JANE DOE 45 now believes that TYNDALL's inappropriate touching and/or inappropriate comments and/or the taking of inappropriate photographs was his way of sexually abusing, harassing, molesting, and violating JANE DOE 45.

General Allegations

250. At all times material hereto, PLAINTIFFS were students and alumna of USC and were under Defendants USC, TYNDALL'S, and DOES 1 through 100's complete control, dominion, and supervision. TYNDALL worked for, was employed by, and/or an agent/servant of Defendants USC and/or DOES 1 through 100, when TYNDALL came into contact with PLAINTIFFS.

251. At all times material hereto, TYNDALL was under the direct supervision, management, agency, and control of Defendants USC and DOES 1 through 100, inclusive. TYNDALL was a

gynecological physician hired, employed, supervised, and retained by Defendants USC and DOES 1 through 100, inclusive. While a gynecological physician at Defendants' facility, TYNDALL'S employment duties including providing medical care to the female undergraduate and graduate students of Defendant USC. The purported care offered by TYNDALL included, but was not limited to, conducting gynecological examinations and providing reproductive health treatments to the female students of Defendant USC, including PLAINTIFFS. It was through and because of PLAINTIFFS' status as students and their trust in Defendant USC that they came to be under the direction and control of TYNDALL who used his position of authority and trust to sexually abuse, harass, molest, and violate PLAINTIFFS.

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

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

254. Plaintiffs are informed and believe, and on that basis allege, that Defendants knew or reasonably should have known that TYNDALL had engaged in unlawful sexually abusive, harassing,

molesting, and violative conduct in the past and was continuing to engage in such conduct. Specifically, Defendant USC knew and possessed actual knowledge that TYNDALL was groping, digitally penetrating, improperly photographing genitals, and was otherwise abusing, harassing, molesting, and violating young female students under the guise of rendering gynecological services. Moreover, Defendant USC knew that Defendant TYNDALL was doing so under the agency of Defendant USC and in the presence of USC employees and agents specifically placed there for the protection of Defendant USC's female students. Defendants had a duty to disclose these facts to PLAINTIFFS and others but negligently or intentionally suppressed, concealed, or failed to disclose this information. This duty to disclose this information arose by the special, trusting, confidential, fiduciary relationship between Defendants and PLAINTIFFS.

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

256. Plaintiffs are informed and believe, and on that basis allege, that Defendants USC and DOES 1 through 100, inclusive, had a history and systemic problem in properly handling sexual abuse, harassment, molestation, and violation allegations, contrary to their Federal mandates under Title IX. This pattern and practice was evidenced by, inter alia, the U.S. Department of Education's 2013 investigation of Defendant USC's handling of numerous rape cases, during which over 100 USC students came forward to complain of Defendant USC's "gross mishandling" of those rape cases. Furthermore, Plaintiffs are informed and believe, and on that basis allege, that the numerous complaints lodged against TYNDALL that were actively concealed by Defendant USC illustrate that Defendant USC had—and continues to have—a culture of ignoring, minimizing, and sanitizing complaints from sexual abuse, harassment, molestation, and violation victims. By Defendant USC's own admission, in the course of its 2016 investigation of complaints against TYNDALL, "a review of files kept by Dr. Larry Neinstein, a former health center director from 1995–2014 (who is now deceased), showed earlier patient complaints about TYNDALL, including complaints about his clinical practice. The files contained eight complaints logged between 2000 and 2014 that were concerning." Despite the fact that TYNDALL'S direct supervisor, Dr.

Neinstein, possessed documented complaints against TYNDALL dating back to at least the year 2000, and the fact that those documented complaints were cited in Defendant USC'S 2016 investigation of TYNDALL, Defendant USC continued to allow TYNDALL to retain his position, thereby granting him unfettered access to its young female students, to whom Defendant USC owed a special duty, to freely sexually assault and harass them at will.

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

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

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

260. Because of the special relationship between PLAINTIFFS and Defendants, Defendants had an obligation and duty under the law not to hide material facts and information about TYNDALL'S past and his deviant sexual behavior and propensities. Additionally, Defendants had an affirmative duty to inform, warn, and institute appropriate protective measures to safeguard patients who were reasonably likely to come in contact with TYNDALL, including, but not limited to, PLAINTIFFS. Defendants willfully refused to notify, give adequate warning, and implement appropriate safeguards, thereby creating the peril that ultimately damaged PLAINTIFFS.

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

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

263. Additionally, Defendant USC's own Code of Conduct mandates that "no faculty member may commit sexual assault, defined as any physical sexual act (including, but not limited to, actual or attempted intercourse, sexual touching, fondling, or groping) perpetrated upon a person." Defendant USC's own Code of Ethics further states: "At the University of Southern California, ethical behavior is predicated on two main pillars: a commitment to discharging our obligations to others in a fair and honest manner, and a commitment to respecting the rights and dignity of all persons. As faculty, staff, students, and trustees, we each bear responsibility not only for the ethics of our own behavior, but also for building USC's stature as an ethical institution." In direct contravention of their own Codes, Defendant USC actively concealed TYNDALL'S sexually abusive, harassing, molesting, and violative behavior for nearly thirty years, thereby exposing PLAINTIFFS to his sexual abuse, harassment, molestation, and violation. Plaintiffs are informed and believe, and on that basis allege, that as part of Defendants' conspiratorial and fraudulent attempt to hide TYNDALL'S

propensity to sexually abuse and molest young female students, and prior sexual misconduct with patients, from public scrutiny and criminal investigation, Defendants implemented various measures designed to make TYNDALL'S conduct harder to detect and ensure that other patients and students with whom he came into contact, such as PLAINTIFFS, would be sexually abused, harassed, molested, and violated including:

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

b. Placing TYNDALL in a separate and secluded environment at USC'S student health clinic which granted him unfettered access and control over patients even when he was purporting to conduct extremely sensitive gynecological treatment, thereby allowing TYNDALL to physically sexually interact with the young female students of USC, including PLAINTIFFS;

c. Failing to disclose and actively concealing TYNDALL'S prior record of misconduct, sexual abuse, harassment, molestation, violation, and his propensity to commit such acts towards students and patients in USC'S Student Health Clinic, from its students, the public at large, and law enforcement;

d. Holding out TYNDALL to PLAINTIFFS, other patients at USC, the alumni members of the USC community, and the public at large as a trustworthy and honest person of high ethical and moral repute who was capable and worthy of being granted unsupervised access to the student patients of Defendants USC and DOES I through 100, inclusive;

e. Failing to investigate or otherwise confirm or deny such facts about TYNDALL, including prior complaints, claims, and investigations for sexual abuse, harassment, molestation, and violation;

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.

264. 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 and fraudulent conduct, and in keeping with their intent to fail to disclose and hide TYNDALL's past and present conduct from the USC community, past, present, and future students, the public at large, and law enforcement, Defendants allowed TYNDALL to remain in a position of influence where his unsupervised or negligently supervised conduct with patients made the

abuse, harassment, molestation, and violation of those individuals, including PLAINTIFFS, possible.

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

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

267. As a direct and proximate result of Defendants' tortious acts, omissions, wrongful conduct, and breaches of their statutory and common law duties, PLAINTIFFS' employment and professional development has been adversely affected. PLAINTIFFS have lost wages and will continue to lose wages in an amount to be determined at trial. PLAINTIFFS has suffered substantial economic injury, all to

PLAINTIFFS' general, special, and consequential damage in an amount to be proven at trial, but in no event less than the minimum jurisdictional amount of this Court.

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

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

a. Duty of health care professionals to report reasonable suspicions of sexual abuse to law enforcement pursuant to Penal Code § 11160;

b. Duty to use reasonable care to protect participants and members from known or foreseeable dangers;

c. Duty to enact policies and procedures that are not in contravention of the Federal Civil Rights Act, section 1983, Title IX, and the 14th Amendment of the United States Constitution;

d. Duty to protect enrolled students from the criminal acts of third parties in the context of school-sponsored activities over which Defendants have some measure of control;

e. Duty to protect participants and members and staff;

f. Duty to provide adequate supervision;

g. Duty to ensure that any direction given to participants and members is lawful, and that adults act reasonably responsibly and respectfully towards participants and members;

h. Duty to properly train staff so that they are aware of their individual responsibility for creating and maintaining a safe environment;

i. Duty to act promptly and diligently and not ignore or minimize problems;

j. Duty to provide diligent supervision over patients; and

k. Duty to report suspected incidents of sexual abuse.

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

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

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

273. In subjecting PLAINTIFFS to the wrongful treatment herein described, Defendants TYNDALL, USC, and DOES 1 through 100, inclusive, acted willfully and maliciously with the intent to harm PLAINTIFFS, and in conscious disregard of PLAINTIFFS' rights, so as to constitute malice and/or oppression under California Civil Code section 3294. PLAINTIFFS are informed, and on that basis allege, that, specifically, the Defendants acted in concert, and under their authority as an educational institution and medical provider, with reckless disregard for the concern of the student-patients in its charge, in order to further financially benefit its business's growth. The Defendants acted intentionally in creating an environment that harbored sexual deviants, put its vulnerable young students at risk of harm, ignored clear warning signs and their duties to report sexual abusers and molesters in their ranks, to maintain a facade of normalcy, in order to maintain its funding and provide further financial growth of Defendant USC on the international level. The safety of the student-patients that were entrusted to Defendants USC and DOES 1 through 100, inclusive, was compromised due to Defendants desire to maintain the status quo of the Defendants USC and DOES I through 100 organizations, to continue to enjoy the financial support of the alumni of the USC community, and avoid any public scrutiny for their misconduct. Plaintiffs are informed and believe, and on that basis allege, that these willful, malicious, and/or oppressive acts, as alleged herein above, were ratified by the officers, directors, and/or managing agents of the Defendants. PLAINTIFFS are

therefore entitled to recover punitive damages, in an amount to be determined by the court, against Defendants TYNDALL, USC, and DOES I through 100, inclusive.

THE STATUTE OF LIMITATIONS IS TOLLED

274. Plaintiffs incorporate all foregoing paragraphs of this Complaint as though fully set forth herein.

275. Defendants, and each of them, concealed the existence of PLAINTIFFS' claims and that PLAINTIFFS possessed any causes of action against them at the time of their sexual abuse, harassment, molestation, and violation by making materially false representations to PLAINTIFFS involving past or existing facts. Defendants, and each of them, did so by misrepresenting that all Defendant TYNDALL'S acts, statements, and conduct were for the purpose of conducting an appropriate and medically standard physical exam and gynecological service and that such sexual abuse, harassment, molestation, and violation were appropriate and necessary part of such examinations and services and conformed to accepted medical practices and standards. Moreover, upon information and belief, virtually each and every instance of sexual abuse, harassment, molestation, and violation committed by Defendant TYNDALL was conducted before and under the supervision of a chaperone, employed or otherwise an agent of Defendants USC and DOES 1 through 100, inclusive, who was responsible for patients' well-being and safety. The silence and complicity of the chaperones was integral to the continued concealment of the true deviant nature of Defendant TYNDALL'S acts by giving them the appearance of propriety. Defendants concealment and deceit was so complete and well executed that neither PLAINTIFFS—who are not medical professionals nor have any specialized medical training—nor any other reasonable person, should have been put on notice that a cause of action had accrued.

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

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

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

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

FIRST CAUSE OF ACTION

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

Against Defendants TYNDALL, USC, and DOES 1–100, Inclusive

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

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

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

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

284. During PLAINTIFFS' time as students at USC, Defendant TYNDALL intentionally, recklessly, and wantonly made sexual advances, solicitations, requests, demands for sexual compliance of a hostile nature based on PLAINTIFFS' gender that were unwelcome, pervasive, and severe, including, but not limited to, TYNDALL groping and penetrating PLAINTIFFS' vaginas, groping and fondling PLAINTIFFS' breasts, and routinely making sexually charged and inappropriate comments about and relating to PLAINTIFFS' bodies, all under the supervision of Defendants, who were acting in the course and scope of their agency with Defendants, and each of them.

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

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

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

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

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

290. Despite constructive or actual knowledge of TYNDALL'S prior assault of PLAINTIFFS and others, Defendant USC and DOES 1–100, inclusive, allowed TYNDALL unfettered access to PLAINTIFFS and other young, female patients. Defendant USC and DOES 1–100, inclusive, thus aided and incited, and/or conspired in PLAINTFFFS' abuse by allowing TYNDALL access to PLAINTIFFS and failing to notify PLAINTIFFS and/or their parents of the prior abuse that occurred.

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

292. As a direct and proximate result of the above-described conduct, PLAINTIFFS have suffered and continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss of enjoyment of life; have suffered and continue to suffer and were prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment

of life; will sustain loss of earnings and earning capacity, and/or have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

SECOND CAUSE OF ACTION

GENDER VIOLENCE IN VIOLATION OF CIVIL CODE § 52.4

Against Defendant TYNDALL

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

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

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

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

THIRD CAUSE OF ACTION

VIOLATION OF "BANE ACT" CIVIL CODE § 52.1

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

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

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

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

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

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

302. As a result of the above-described conduct, PLAINTIFFS suffered and continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; have suffered and continue to suffer and were prevented and will continue to be prevented from

performing daily activities and obtaining the full enjoyment of life; have and will continue to sustain loss of earning capacity; and have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling. PLAINTIFFS have also suffered economic, vocational and employment losses as well.

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

FOURTH CAUSE OF ACTION

SEXUAL ASSAULT & BATTERY CIVIL CODE §§ 1708 and 1708.5

Against Defendant TYNDALL

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

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

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

307. TYNDALL did the aforementioned acts with the intent to cause a harmful or offensive contact with an intimate part of PLAINTIFFS' persons and would offend a reasonable

sense of personal dignity. Further, said acts did cause harmful or offensive contact with an intimate part of PLAINTIFFS' persons that would offend a reasonable sense of personal dignity.

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

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

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

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

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FIFTH CAUSE OF ACTION

SEXUAL ABUSE AND HARASSMENT IN THE EDUCATIONAL SETTING

EDUCATION CODE § 220

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

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

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

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

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

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

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

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

SIXTH CAUSE OF ACTION

UNFAIR BUSINESS PRACTICES BUSINESS AND PROFESSIONS CODE § 17200

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

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

320. PLAINTIFFS are informed and believe, and on that basis allege, that TYNDALL and Defendants USC and DOES 1 through 100, inclusive, have engaged in unlawful, unfair, and deceptive business practices including allowing TYNDALL to engage in repeated harassment of student-patients, including PLAINTIFFS, and failing to take all reasonable steps to prevent harassment and abuse from occurring. The unlawful, unfair, and deceptive business practices also included failing to adequately investigate, vet, and evaluate individuals for employment with Defendants USC and DOES 1 through 100, inclusive, refusing to design, implement, and oversee policies regarding sexual harassment and abuse of student-patients in a reasonable manner that is customary in similar educational environments. PLAINTIFFS are informed and believe, and on that basis allege, that TYNDALL and Defendants USC and DOES 1 through 100, inclusive, have engaged in unlawful, unfair, and deceptive business practices including concealing sexual abuse, harassment, molestation, and violation of student-patients, such as PLAINTIFFS, so as to retain other similarly situated individuals within USC who were not apprised of such illicit sexual misconduct by TYNDALL.

321. PLAINTIFFS are informed and believe, and on that basis allege, that Defendants engaged in a common scheme, arrangement or plan to actively conceal sexual abusers and allegations against them who were employees, agents, members, and/or participants at USC, including TYNDALL, such that Defendants USC and DOES 1 through 100, inclusive, could maintain their public image and avoid

detection of such abuse and abusers. PLAINTIFFS are informed and believe, and on that basis allege, that Defendants actively concealed such abuse such that Defendants would be insulated from public scrutiny, governmental oversight, and/or investigation from various law enforcement agencies, all done in order to maintain the false sense of safety for participants and their families and to perpetuate the program financially.

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

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

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

325. Pursuant to § 17203 of the California Business and Professions Code and available equitable powers, PLAINTIFFS are entitled to a preliminary and permanent injunction, enjoining TYNDALLL, USC, and DOES 1 through 100, inclusive, from continuing the unlawful and unfair business practices described above. Further, PLAINTIFFS seek the appointment of a court monitor to enforce its orders regarding patient safety. In addition, PLAINTIFFS are entitled to recover reasonable attorney's fees pursuant to the California Business and Professions Code and Section 1021.5 of the California Code of Civil Procedure.

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SEVENTH CAUSE OF ACTION

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

Against Defendants USC and DOES 1 through 100, Inclusive

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

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

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

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

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

331. As a direct and proximate result of the above-described conduct, PLAINTIFFS have suffered and continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; have suffered and continue to suffer and were prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain loss of

earnings and earning capacity, and have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

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

EIGHTH CAUSE OF ACTION

NEGLIGENCE

Against Defendants USC and DOES 1 through 100, Inclusive

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

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

335. Universities are in a special relationship with their enrolled students in the context of school-sponsored activities over which the university has some measure of control. Defendants, and each of them, had special duties to protect PLAINTIFFS and other young female students and members of the USC community. PLAINTIFFS' care, welfare, and physical custody were entrusted to Defendants. Defendants voluntarily accepted the entrusted care of PLAINTIFFS. As such, Defendants owed PLAINTIFFS and other young female students and members of the USC community a special duty of care that adults and medical professionals dealing with vulnerable medical patients and young students owe to protect them from harm. The duty to protect and warn arose from the special, trusting, confidential, and fiduciary relationship between Defendants and PLAINTIFFS.

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

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

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

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

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

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

NINTH CAUSE OF ACTION

NEGLIGENCE PER SE

Against Defendants USC and DOES 1 through 100, Inclusive

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

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

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

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

346. By failing to report the continuing sexual abuse, harassment, molestation, and violation committed by TYNDALL, which Defendants knew or reasonably should have known about, and by ignoring the fulfillment of the mandated compliance with the reporting requirements, Defendants created the risk and danger contemplated by the applicable mandated reporting laws, and as a result, unreasonably

and wrongfully exposed PLAINTIFFS and other young student-patient members of the USC community to the same sexual abuse, harassment, molestation, and violation.

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

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

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

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

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

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

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

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TENTH CAUSE OF ACTION

NEGLIGENT HIRING, SUPERVISION, AND RETENTION

Against Defendants USC and DOES 1 through 100, Inclusive

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

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

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

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

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

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

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

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

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

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

ELEVENTH CAUSE OF ACTION

NEGLIGENT FAILURE TO WARN, TRAIN, OR EDUCATE

Against Defendants USC and DOES 1 through 100, Inclusive

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

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

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

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

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

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

TWELFTH CAUSE OF ACTION

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

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

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

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

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

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

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

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

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

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

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

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THIRTEENTH CAUSE OF ACTION

CONSTRUCTIVE FRAUD/CONCEALMENT CIVIL CODE § 1573

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

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

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

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

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

380. By virtue of their confidential, fiduciary and special relationship with PLAINTIFFS, Defendants owed PLAINTIFFS a duty to: Investigate or otherwise confirm or deny such claims of sexual abuse, harassment, molestation, and violation; Reveal such facts to PLAINTIFFS, the USC community, the public at large, and law enforcement agencies; Refuse to place TYNDALL and other violators in positions of trust and authority within Defendants' institutions; Refuse to hold out TYNDALL and other violators to the public, the USC community, parents and law enforcement agencies as being in good standing and, trustworthy in keeping with him and his position as a physician, faculty member and authority figure; Refuse to assign TYNDALL and other violators to positions of power within Defendants USC and DOES 1 through 100, and over young students; and Disclose to PLAINTIFFS, the USC community, the public at large, and law

enforcement agencies the wrongful, tortious, and sexually exploitative acts that TYNDALL had engaged in.

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

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

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

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

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

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

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

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

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

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

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

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

391. Defendants had the duty to obtain and disclose information relating to sexual misconduct of TYNDALL.

392. Defendants misrepresented, concealed, and failed to disclose information relating to sexual misconduct of TYNDALL.

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

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

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

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

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

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

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

PRAYER FOR RELIEF

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

1. For actual damages;
2. For past, present, and future non-economic damages in an amount to be determined at trial;
3. For past, present, and future special damages, including but not limited to past, present and future lost earnings, economic damages, and others in an amount to be determined at trial;
4. Any appropriate statutory damages;
5. For costs of suit;
6. Punitive damages, according to proof, as allowed by law;
7. For interest based on damages, as well as pre-judgment and post-judgment interest as allowed by law;
8. For attorney's fees pursuant to California Code of Civil Procedure sections 1021.5, et
9. seq., 52, et seq., 51, et seq., 42 U.S.C. § 1988 or as otherwise allowable by law;
10. For declaratory and injunctive relief, including, but not limited to supervision of Defendant 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: JULY 23, 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: JULY 23, 2018

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

BY: _____

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