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Attorneys for Plaintiffs, AMY POWELL, et al.

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

AMY POWELL, an individual; JANE DOE )  
29, an individual; JANE DOE 30, an )  
individual; JANE DOE 31, an individual; )  
JANE DOE 32, an individual; JANE DOE 33, )  
an individual; JANE DOE 34, an individual; )  
JANE DOE 35, an individual; MARISSA )  
GUTIERREZ, an individual; JANE DOE 36, )  
an individual; JANE DOE 37, an individual; )  
JANE DOE 38, an individual; JANE DOE 39, )  
an individual and CHARLOTTE LAWS, an )  
individual. )

Plaintiffs,

vs.

UNIVERSITY OF SOUTHERN )  
CALIFORNIA, a corporation; GEORGE )

**CONFORMED COPY**  
**ORIGINAL FILED**  
Superior Court of California  
County of Los Angeles

**OCT 23 2018**

Sherri R. Carter, Executive Officer/Clerk of Court  
By: Isaac Lovo, Deputy

CASE NO: **18STCV01904**

**COMPLAINT FOR DAMAGES**

- 1. SEXUAL BATTERY IN VIOLATION OF CAL. CIV. CODE § 1708.5
- 2. BATTERY
- 3. GENDER VIOLENCE IN VIOLATION OF CAL. CIV. CODE § 52.4
- 4. SEXUAL HARASSMENT IN VIOLATION OF CIVIL CODE §51.9
- 5. VIOLATION OF CALIFORNIA UNRUH CIVIL RIGHTS ACT [Civ. Code §51]
- 6. VIOLATION OF THE CALIFORNIA BANE ACT [Civ.

1 TYNDALL, M.D., an individual; and DOES )  
1 through 100, inclusive, )

2 )  
3 Defendants. )  
4 )  
5 )  
6 )  
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9 )  
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Code §52.1]

7. SEXUAL HARASSMENT IN  
VIOLATION OF EDUCATION  
CODE §220

8. NEGLIGENT HIRING AND  
RETENTION

9. NEGLIGENT SUPERVISION

10. FRAUDULENT  
MISREPRESENTATION

11. NEGLIGENT  
MISREPRESENTATION

12. INTENTIONAL INFLICTION  
OF EMOTIONAL DISTRESS

13. NEGLIGENT INFLICTION OF  
EMOTIONAL DISTRESS

**JURY TRIAL DEMAND**

15  
16 Plaintiffs AMY POWELL, JANE DOE 29, JANE DOE 30, JANE DOE 31, JANE DOE  
17 32, JANE DOE 33, JANE DOE 34, JANE DOE 35, MARISSA GUTIERREZ, JANE DOE 36,  
18 JANE DOE 37, JANE DOE 38, JANE DOE 39 and CHARLOTTE LAWS hereby allege as  
19 follows:

20 **GENERAL ALLEGATIONS**

21 1. Plaintiffs **AMY POWELL, JANE DOE 29, JANE DOE 30, JANE DOE 31,**  
22 **JANE DOE 32, JANE DOE 33, JANE DOE 34, JANE DOE 35, MARISSA GUTIERREZ,**  
23 **JANE DOE 36, JANE DOE 37, JANE DOE 38, JANE DOE 39 and CHARLOTTE LAWS** at  
24 all relevant times mentioned herein resided in the County of Los Angeles, State of California.

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

28 3. Plaintiffs are informed and believe, and based thereon allege that Defendant

1 **GEORGE TYNDALL, M.D.** (hereinafter “Defendant Tyndall”) is an individual who at all  
2 relevant times mentioned herein, was a physician residing in the County of Los Angeles, State of  
3 California.

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

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

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

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

27 8. Except as hereinafter specifically described, Defendants and each of them, are and  
28 were the agents of the other Defendants, and in acting as described herein were acting within the

1 scope of their authority as agents thereof, and with the permission and consent of the other  
2 Defendants.

3 **FACTUAL ALLEGATIONS RELEVANT TO ALL PARTIES**

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

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

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

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

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

1 examinations and breast exams, are conducted by caring professionals experienced  
2 in women's health.”

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

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

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

28 16. Plaintiffs are informed and believe that during Defendant Tyndall's almost 30 year

1 employment with Defendant USC, Defendant Tyndall sexually battered, abused, molested,  
2 harassed and engaged in other unlawful behavior with young female students other than Plaintiffs,  
3 who went to him for examinations and/or treatment.

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

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

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

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

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

26 22. Over the years more complaints about Defendant Tyndall were made to Defendant  
27 USC. Plaintiffs are informed and believe that finally in or about 2016, Defendant USC conducted  
28 an investigation into allegations that Defendant Tyndall was engaging in sexually and racially

1 unlawful behavior with the female students. Plaintiffs are informed and believe that USC was  
2 finally forced to act on the complaints against Defendant Tyndall. Among other things, Defendant  
3 USC learned of Defendant Tyndall's sexually and racially unlawful behavior, and learned that  
4 Defendant Tyndall kept photographs of his student/patients' genitalia.

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

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

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

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

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

1 **FACTS SPECIFIC TO PLAINTIFF AMY POWELL**

2 28. Plaintiff Amy Powell was a student at Defendant USC from 2011 through 2015.  
3 On August 20, 2013, Plaintiff Powell had an appointment with Defendant Tyndall in the OBGYN  
4 department at Defendant USC Engemann Student Health Center.

5 29. Defendant Tyndall instructed Plaintiff Powell to go into his office for her  
6 appointment. When Plaintiff Powell sat down, Defendant Tyndall asked her what she was  
7 studying. She answered his question about her studies. Defendant Tyndall then replied, “Men  
8 don’t like women who are smarter than them. They don’t like a woman who has more education.”

9 30. A female nurse appeared with what seemed to be medical charts in the doorway.  
10 Apparently hearing Defendant Tyndall’s comment, the nurse gave Plaintiff Powell a wide eyed  
11 look, and Plaintiff Powell returned this look with her own wide eyed stare.

12 31. Defendant Tyndall then gave explicit details regarding sexual intercourse and his  
13 belief in male preference to be in control, on top. Defendant Tyndall told Plaintiff Powell, “what  
14 you don’t seem to understand is that men need to be able to do whatever they need to do (during  
15 intercourse), and you need to allow them. You are just along for the ride. They are in control.  
16 Remember that.”

17 32. Defendant Tyndall stated, “Women from the Philippines know how to submit. I go  
18 there often.” As Defendant Tyndall was speaking, he pointed at pictures of women that appeared  
19 to be of Filipino descent that were hanging on the wall to the right hand side of his office.

20 33. When Plaintiff Powell was walking to the appointment desk to retrieve a printout,  
21 she came across Defendant Tyndall’s nurse again. Plaintiff Powell made a comment to her about  
22 Defendant’s comments and the nurse replied, “I’ve heard that before. You’re not the only one.”

23 **FACTS SPECIFIC TO PLAINTIFF JANE DOE 29**

24 34. Plaintiff JANE DOE 29 was a student at Defendant USC, during the school years of  
25 1991-92 and 1996-97. Plaintiff Jane Doe 29 had her first visit with Defendant Tyndall during  
26 September 1991. At the time Plaintiff Jane Doe 29 was only 18 years old and this was her first  
27 gynecological exam, without her mother by her side.

28 35. The purpose for Plaintiff Jane Doe 29's visit in September 1991 to Defendant



1 USC's Health Center was to obtain birth control pills. Plaintiff Jane Doe 29 was given an  
2 appointment to see Defendant Tyndall. Upon arriving at the Health Center, Plaintiff Jane Doe 29  
3 was ushered into the exam room by a female nurse who asked the purpose of the visit. Plaintiff  
4 Jane Doe 29 explained the reason for her visit and the nurse told her to undress for the exam, to  
5 put on a gown and wait for the doctor. The female nurse left the room.

6 36. Defendant Tyndall entered the exam room and performed the pelvic exam, digitally  
7 penetrating Plaintiff Jane Doe 29 using his bare hands, without wearing gloves. A female nurse  
8 was not present.

9 37. Plaintiff Jane Doe 29 visited Defendant Tyndall another three times for birth  
10 control during the 1991-92 school year, with the same scenario each time. During each pelvic  
11 exam, Defendant Tyndall digitally penetrated Plaintiff Jane Doe 29 without gloves and without a  
12 female nurse.

13 38. During each of these visits, Defendant Tyndall asked Plaintiff Jane Doe 29  
14 questions about her sex life. Questions which Plaintiff Jane Doe 29 felt uncomfortable answering  
15 but she thought "he's the doctor." For example, on the second visit he began asking if Plaintiff  
16 Jane Doe 29 was sexually satisfied and if she was able to climax vaginally, as opposed to only  
17 clitorally.

18 39. On the third visit Defendant Tyndall asked Plaintiff Jane Doe 29 if she was aware  
19 of where her "G-spot" was and when she answered "no," he proceeded to show her manually with  
20 his bare fingers, where the G-spot was and how to squeeze that muscle. Defendant Tyndall also  
21 showed Plaintiff Jane Doe 29 how to perform Kegel exercises in order to strengthen the G-spot so  
22 she could have better, more fulfilling sex. It was extremely uncomfortable discussing this with  
23 Defendant Tyndall, but Plaintiff Jane Doe 29 kept thinking and telling herself, "I guess, he's the  
24 doctor."

25 40. Defendant Tyndall told Plaintiff Jane Doe 29 how "college girls" don't know where  
26 their "G-spot" is. During each successive visits, Defendant Tyndall asked Plaintiff Jane Doe 29 if  
27 she had been doing her Kegel exercises.

28 41. When the school year was finished in 1992, Plaintiff Jane Doe 29 withdrew from

1 USC. She then returned to USC in the 1996-97 school year. Since Plaintiff Jane Doe 29 did not  
2 require birth control during this school year she only had one visit with Defendant Tyndall. This  
3 was for Plaintiff Jane Doe 29's annual well woman check up and pelvic exam.

4 42. During this visit, Defendant Tyndall again harassed Plaintiff Jane Doe 29 over  
5 whether she was doing her Kegel exercises in order to strengthen her G-spot so she could have  
6 better, more fulfilling sex. Defendant Tyndall again performed a pelvic examination, digitally  
7 penetrating Plaintiff Jane Doe 29, without using gloves.

8 **FACTS SPECIFIC TO PLAINTIFF JANE DOE 30**

9 43. Plaintiff Jane Doe 30 attended Defendant USC from Fall 1994 through Winter  
10 1997. Defendant Tyndall treated Plaintiff Jane Doe 30 during the first 2 years she was a student at  
11 Defendant USC.

12 44. Prior to seeing Defendant Tyndall, Plaintiff Jane Doe 30 had never before had a  
13 gynecological exam. During Plaintiff Jane Doe 30's first visit at Defendant USC's student health  
14 clinic, she was examined by Defendant Tyndall. Defendant Tyndall asked Plaintiff Jane Doe 30  
15 probing and invasive questions about her sexual activity.

16 45. Defendant Tyndall asked if she was sexually active, how long she had been having  
17 sex, with whom she was having sex and whether she was having sex with more than one  
18 individual,

19 46. At the time, Plaintiff Jane Doe 30 legitimized these probing questions by telling  
20 herself that he was a doctor at a prestigious University and that maybe he was just concerned about  
21 her sexual activity and health, which could affect and be affected by her sexual partners and sexual  
22 activity. While this was not only uncomfortable and embarrassing, as a young woman who had  
23 never had a gynecological exam, Plaintiff Jane Doe 30 chalked it up as just part of a process in  
24 which she was already vulnerable.

25 47. Defendant Tyndall then proceeded to perform a pelvic examination. During the  
26 examination, Defendant Tyndall made remarks about Plaintiff Jane Doe 30's diagnosis and her  
27 vaginal condition which made her feel like she should be ashamed or feel bad about a condition  
28 about which she knew nothing. Defendant Tyndall never discussed medical causes, effects, or any

1 other aspect of the diagnosis. He said Plaintiff Jane Doe 30 needed to come back to receive  
2 treatment.

3 48. During Plaintiff Jane Doe 30's second visit with Defendant Tyndall, he again did  
4 not explain anything about her diagnosis/condition. The treatment he performed was very painful;  
5 and no anesthetic was given. At the end of the visit, Defendant Tyndall told Plaintiff Jane Doe 30  
6 to spread her legs and he proceeded to take photographs of Plaintiff Jane Doe 30's vaginal area.  
7 Plaintiff Jane Doe 30 thought this was gross, and looked at the ceiling trying not to think about  
8 what was happening. Plaintiff Jane Doe 30 pushed aside her intuition that he was creepy and that  
9 the situation was just wrong because Plaintiff Jane Doe 30 thought she had no right to question  
10 this doctor. He did, after all, work at Defendant USC, which was supposedly a great university  
11 with high standards.

12 49. Plaintiff Jane Doe 30 also requested birth control. Defendant Tyndall said he  
13 would only prescribe 3 months at a time. Defendant Tyndall never explained anything to  
14 Plaintiff Jane Doe 30 about birth control; nothing about the short or long term side effects,  
15 types of pills available, or other options.

16 **FACTS SPECIFIC TO PLAINTIFF JANE DOE 31**

17 50. Plaintiff Jane Doe 31 attended Defendant USC from 2001 to 2006. Plaintiff Jane  
18 Doe 31 made appointments for a pap smear and also to obtain birth control pills.

19 51. Plaintiff Jane Doe 31 was treated by Defendant Tyndall on two occasions. During  
20 the pelvic examination, no female nurse was present. After telling Plaintiff Jane Doe 31 to  
21 undress, Defendant Tyndall began the pelvic examination. He did not have any gloves on.  
22 Defendant Tyndall then digitally penetrated Plaintiff Jane Doe 31.

23 52. Defendant Tyndall told Plaintiff Jane Doe 31 that she had an "unusual uterus, a  
24 tilted uterus", adding, "Oh I need to photograph this." Defendant Tyndall proceeded to take one or  
25 more photographs of Plaintiff's vagina.

26 53. Defendant Tyndall also insisted on doing a rectal examination. Believing that a  
27 doctor from prestigious Defendant USC was saying that Plaintiff Jane Doe 31 needed a rectal  
28 examination, she succumbed to this invasive procedure.

1           54.     When Plaintiff Jane Doe 31 saw Defendant Tyndall a second time to obtain birth  
2 control pills, Defendant Tyndall told her that she needed another pap exam.

3           55.     Once again, Defendant Tyndall digitally penetrated Plaintiff Jane Doe 31 while  
4 moving his fingers in Plaintiff Jane Doe 31's vagina for what seemed to be an inordinate amount of  
5 time, without using gloves.

6   **FACTS SPECIFIC TO PLAINTIFF JANE DOE 32**

7           56.     Plaintiff Jane Doe 32 was an undergraduate student at Defendant USC class of  
8 2011. During the first semester of her junior year (Sep-Dec 2009) she made a gynecological  
9 appointment with the USC Health Center for a check-up, to address a concern, and to explore the  
10 option of birth control. Defendant USC gave Plaintiff Jane Doe 32 an appointment to see  
11 Defendant Tyndall.

12           57.     The issue which Plaintiff Jane Doe 32 was having was excessive vaginal wetness  
13 during arousal that did not seem normal to her. Plaintiff Jane Doe 32 was young and anxious and  
14 wanted to make sure she was ok.

15           58.     When Plaintiff Jane Doe 32 told Defendant Tyndall about her concern, Defendant  
16 Tyndall commented, “well in my 20 years of practice I’ve never heard *that* be a complaint” in a  
17 tone that insinuated that Plaintiff Jane Doe 32 should be happy she had that issue.

18           59.     After this exchange, Plaintiff Jane Doe 32 undressed and prepared for the exam.  
19 Defendant Tyndall began with a breast exam. As he was touching Plaintiff Jane Doe 32's breasts  
20 and feeling around for lumps, he commented, “your breasts feel firm, they feel like they could be  
21 fake, but they’re real aren’t they?” Surprised by this question, Plaintiff Jane Doe 32 replied that,  
22 yes they were real.

23           60.     Defendant Tyndall then proceeded to conduct the Pap smear exam. Defendant  
24 Tyndall digitally penetrated Plaintiff Jane Doe 32. When Plaintiff Jane Doe 32's vaginal area was  
25 touched, her wetness occurred and Defendant Tyndall smirked saying, “I see what you were  
26 talking about before.” At the end of the exam, Plaintiff Jane Doe 32 I asked him about birth  
27 control, since she had never before taken it. Defendant Tyndall replied that it would help Plaintiff  
28 Jane Doe 32 with her “wetness issue.” He then added, “birth control lowers your libido though.”

1 **FACTS SPECIFIC TO PLAINTIFF JANE DOE 33**

2 61. Plaintiff Jane Doe 33 was accepted to Defendant USC’s School of Cinematic Arts  
3 as an MFA candidate in Film & TV Production and moved to LA in August of 2015. Plaintiff Jane  
4 Doe 33 was excited to start a new chapter of her life in “the best film school in the world.”

5 62. On January 21, 2016, Plaintiff Jane Doe 33 saw Defendant Tyndall for an unusual  
6 vaginal bleeding after using Monistat for a possible yeast infection. Defendant Tyndall told  
7 Plaintiff Jane Doe 33 that it was probably nothing serious, but he needed to perform a pelvic exam.

8 63. Defendant Tyndall told Plaintiff Jane Doe 33 to take off her underwear and lie on  
9 the exam table. Defendant Tyndall took a look at her genitalia and asked Plaintiff Jane Doe 33 if  
10 she ever had sex. Plaintiff Jane Doe 33 said yes. Defendant Tyndall then proceeded to digitally  
11 penetrate Plaintiff Jane Doe 33. As if Defendant Tyndall sensed Plaintiff Jane Doe 33's  
12 uncomfortableness, he said he was “just feeling” the inside to see if anything was wrong. Because  
13 he was the USC doctor, Plaintiff Jane Doe 33 trusted him and blamed herself for feeling weird  
14 about the medical procedure. After probing around Plaintiff Jane Doe 33's vagina, Defendant  
15 Tyndall said it seemed fine. Defendant Tyndall then inserted a speculum.

16 64. Defendant Tyndall asked Plaintiff Jane Doe 33 if she exercised. Plaintiff Jane Doe  
17 33 said, “yes, I do yoga.” He said “No wonder. Because you have *very tight* inner muscles. Strong  
18 thighs.” Plaintiff Jane Doe 33 was extremely embarrassed in that Defendant Tyndall was literally  
19 looking between Plaintiff Jane Doe 33's legs when he made this comment. Plaintiff Jane Doe 33  
20 looked at the nurse after he made the comment, but the nurse did not react. Defendant Tyndall  
21 then examined Plaintiff Jane Doe 33's genitalia and concluded there was no visual problem but  
22 recommended that she do an STI screen. Plaintiff Jane Doe 33 agreed to do tests for both  
23 chlamydia and gonorrhea. Defendant Tyndall then said he was getting samples from her vagina  
24 for the STI tests.

25 65. After the exam, Defendant Tyndall told Plaintiff Jane Doe 33 to come by his office.  
26 Plaintiff Jane Doe 33 thought he was going to talk to her about her medical conditions, instead  
27 engaged in non-medical conversation. Defendant Tyndall told Plaintiff Jane Doe 33 that he met his  
28 wife by doing a “pen pal.” He said he was getting old, was feeling lonely and wanted a wife; so he

1 did a “pen pal.” Defendant Tyndall said he went to the Phillippines to meet her and then married  
2 her.

3 66. Defendant Tyndall also asked Plaintiff Jane Doe 33 where she was from. Plaintiff  
4 Jane Doe 33 replied she was born in America but lived all over the world. He wanted to know  
5 where. Plaintiff Jane Doe 33 said Canada, New York... but this seemed not be the answer he  
6 wanted. Plaintiff Jane Doe 33 then told him that her parents were in Korea and she has lived there  
7 too. Defendant Tyndall immediately became more interested and started to ask about her personal  
8 history, like where she went to college and what she studied. Plaintiff Jane Doe 33 told him that  
9 she went to college in NY and studied history. When Plaintiff Jane Doe 33 said history, Defendant  
10 Tyndall asked Plaintiff Jane Doe 33 what she thought of the Korean War and North Korea.  
11 Defendant Tyndall expressed his views on the Korean War and America’s involvement in it. He  
12 said American textbooks never really describe accurately what happened in history and that  
13 Americans don’t teach their children accurate history. He went on to talk about WWII and his  
14 theories of the cause of it.

15 67. Defendant Tyndall then mentioned his wife. He said his wife is a Filipina. He also  
16 talked about how there are lots of international students in USC, especially those from China. He  
17 said Plaintiff Jane Doe 33 should tell her other friends about him, so they can come and see him,  
18 as it’s good to get regular checkups. He also told Plaintiff Jane Doe 33 to book with him for her  
19 next checkup. As he started to make Plaintiff Jane Doe 33 feel more uncomfortable, she finally  
20 told him she needed to go.

21 68. On May 13, 2016, Defendant Tyndall’s assistant called Plaintiff Jane Doe 33 to  
22 request that she arrive 20 minutes earlier for the appointment for an annual women’s health  
23 checkup. After arrival, Defendant Tyndall told Plaintiff Jane Doe 33 to take off all her clothes and  
24 just put on a sheet of paper and lie on the exam table. Plaintiff Jane Doe 33 felt embarrassed, but  
25 did as she was told. The nurse checked if Plaintiff Jane Doe 33 had paper to cover herself and  
26 Defendant Tyndall came in after.

27 69. Defendant Tyndall told Plaintiff Jane Doe 33 that he would take a look at her  
28 breasts. He told Plaintiff Jane Doe 33 to put her arms above my head and he touched her breasts to

1 find anything unusual. While Defendant Tyndall was doing this, he said he “has to be extra  
2 cautious because these days, it’s easy to get accused of anything.”

3 70. Thereafter, Defendant Tyndall performed a pelvic exam. He asked Plaintiff Jane  
4 Doe 33 if she wanted an STI screening. She replied that since she had not had sex since last time  
5 she got STI screening in January, which was less than 6 months ago, she didn’t need one.

6 71. On May 20, 2016, Plaintiff Jane Doe 33 received an online message from  
7 Defendant Tyndall, saying that she should call him “ASAP” at his phone number. Concerned,  
8 Plaintiff Jane Doe 33 called him, and he told Plaintiff Jane Doe 33 that she tested positive for  
9 chlamydia. Surprised, she asked him how was that possible because she never requested an STI  
10 screening. Defendant Tyndall replied that she had requested it. Plaintiff Jane Doe 33 was  
11 perplexed because she specifically remembered telling him that she did not need another STI test.

12 72. Defendant Tyndall told Plaintiff Jane Doe 33 not to worry and she just needed to  
13 take some pills. However, Plaintiff Jane Doe 33 was not convinced that she had an STI, because  
14 just three months before she had been free of STI, and she did not have sex after the exam in  
15 January and before her last exam on May 13, 2016. So, she told Defendant Tyndall there must be  
16 something wrong. He said a false positive is rare but possible, but she should just take the pills  
17 anyway since that is faster than retesting. However Plaintiff Jane Doe 33 wanted him to retest. He  
18 said that will take too long, but he could send the same sample again to the lab. That would be  
19 additional \$10 or so. Plaintiff Jane Doe 33 said okay. But he told Plaintiff Jane Doe 33 to take pills  
20 anyway and to inform her partner.

21 73. After hanging up, Plaintiff Jane Doe 33 contacted her then partner and told him to  
22 get an STI test. He did, and he sent Plaintiff Jane Doe 33 a negative result. Plaintiff Jane Doe 33  
23 then called Defendant Tyndall and told him about her partner. Defendant Tyndall replied that it  
24 was hard to explain, but it happens sometimes, and she should just take the pills. Plaintiff Jane  
25 Doe 33 took the pills. Defendant Tyndall told her to do a retest 3 months later and do an HIV test  
26 as soon as possible. Extremely distressed, Plaintiff Jane Doe 33 went in to the lab to do the blood  
27 test for HIV on May 21, 2016. The second test from the same sample taken by Defendant Tyndall  
28 also came out positive for chlamydia. Defendant Tyndall told Plaintiff Jane Doe 33 that he was

1 away until June 13. On June 23, 2016, Plaintiff Jane Doe 33 sent Defendant Tyndall an email  
2 asking for the HIV test result. Another doctor named, William Leavitt answered and told Plaintiff  
3 Jane Doe 33 that her result was negative.

4 74. On September 9, 2016, Plaintiff Jane Doe 33 then emailed Defendant Tyndall to  
5 retest for chlamydia. She was advised that Defendant Tyndall was no longer available. Dr. Leavitt  
6 scheduled an STI test for Plaintiff Jane Doe 33. Based on Defendant Tyndall's prior actions,  
7 Plaintiff Jane Doe 33 assumed she was going to be ordered to do another pelvic exam. However,  
8 Dr. Leavitt told Plaintiff Jane Doe 33 that a urine test would suffice. Plaintiff Jane Doe 33 asked  
9 Dr. Leavitt if the results would be accurate because last two times when she did an STI screening  
10 with Defendant Tyndall it was always in the form of a pelvic exam. Dr. Leavitt said a urine test  
11 was a pretty normal procedure for an STI.

12 **FACTS SPECIFIC TO PLAINTIFF JANE DOE 34**

13 75. Plaintiff Jane Doe 34 has attended Defendant USC since the fall 2015. In or about  
14 late fall 2015/early spring 2016, Plaintiff Jane Doe 34 made an appointment at Defendant USC's  
15 Engelman Student Health Center to see a gynecologist. An appointment was given to her to see  
16 Defendant Tyndall.

17 76. During the appointment with Defendant Tyndall, he made several comments about  
18 Plaintiff Jane Doe 34's race (Asian Indian), mostly centered around her need to lie or equivocate  
19 with her parents since they would not approve of Plaintiff Jane Doe 34 seeing a gynecologist,  
20 having sex, or being on birth control. Defendant Tyndall said he had many Indian students whose  
21 parents were in arranged marriages, didn't believe in birth control, or didn't believe their daughters  
22 should be having pre-marital sex.

23 77. Defendant Tyndall asked Plaintiff Jane Doe 34 if her parents were comfortable with  
24 her having sex. When Plaintiff Jane Doe 34 said that she was not sexually active, Defendant  
25 Tyndall said that he was surprised since "most girls like you" quickly found boys at USC. He also  
26 told Plaintiff Jane Doe 34 that if her parents didn't allow her to have birth control, that it was more  
27 important for her to be on birth control than to talk to them about it.

28 78. Plaintiff Jane Doe 34 asked about how it would appear on her insurance statement.



1 Defendant Tyndall advised Plaintiff Jane Doe 34 that since Asian parents were typically  
2 restrictive, that it was a better idea for her to go to Planned Parenthood and to "say whatever you  
3 needed to say" to get them to treat you. Defendant Tyndall told Plaintiff Jane Doe 34 that if asked,  
4 she should lie and say that she didn't have a gynecologist and that her parents were oppressive so  
5 that they would feel bad for her and provide her with free care.

6 79. Defendant Tyndall also told Plaintiff Jane Doe 34 that it was "urgent" that she have  
7 a "well women's visit." He told Plaintiff Jane Doe 34 that most people wait until they were 21, but  
8 that especially since her mom wouldn't tell her to get one, she should take her health into her own  
9 hands. Defendant Tyndall scheduled her for what he said was an "emergency slot" within the next  
10 few days and told Plaintiff Jane Doe 34 that she was very lucky that he was fitting her in and that  
11 he only did that for girls that he liked.

12 80. When Plaintiff Jane Doe 34 saw Defendant Tyndall for the well women's  
13 appointment, he performed an examination of her breasts, neck, and abdomen. He made several  
14 jokes about Plaintiff Jane Doe 34 being from Atlanta; that it was called "Hot-lanta" and that  
15 Plaintiff Jane Doe 34 would "know a lot about that." While there was a woman in the room  
16 initially, at some point during the examination she left the room.

17 81. Defendant Tyndall told Plaintiff Jane Doe 34 to lie back, look at the ceiling, and  
18 close her eyes so that she wouldn't be nervous. Defendant Tyndall did not explain what the exam  
19 entailed. He proceeded to digitally penetrate Plaintiff Jane Doe 34's vagina. Defendant Tyndall  
20 then told Plaintiff Jane Doe 34 that she was "very tight." He then inserted a speculum. After he  
21 finished with the speculum, he again inserted his fingers again into Plaintiff Jane Doe 34's vagina.

22 82. Back in Defendant Tyndall's office, he told Plaintiff Jane Doe 34 that she was one  
23 of the "tightest girls" he had ever examined and that she may have trouble with sex as well as with  
24 the Nuvaring. Defendant Tyndall showed Plaintiff Jane Doe 34 a model of a woman's vaginal area  
25 and inserted his fingers up the vaginal canal. He then encouraged Plaintiff Jane Doe 34 to also do  
26 so. Defendant Tyndall told Plaintiff Jane Doe 34 that if that area was very tight then it could be  
27 difficult for her to have sex. Defendant Tyndall then asked her several questions about her plans  
28 to get sexually involved.

1           83.     Plaintiff Jane Doe 34 saw him at least twice more. The next time she saw  
2 Defendant Tyndall was to renew her Nuvaring prescription. Plaintiff Jane Doe 34 had become  
3 sexually active at that point and he asked several very detailed questions about her sex life and her  
4 boyfriend. For instance, he asked when Plaintiff Jane Doe 34 had started having sex, why and with  
5 whom, how many people she had slept with, how many people she was planning on sleeping with,  
6 and how often she had sex. He also asked Plaintiff Jane Doe 34 what positions she frequently used  
7 because he said that girls who have recently begun having sex may not know what is "right" for  
8 their body.

9           84.     Defendant Tyndall also asked about Plaintiff Jane Doe 34's boyfriend, how many  
10 sexual partners he had had in the past, and intimate details about his penis length and width,  
11 claiming that she may need to be examined for internal tearing. Defendant Tyndall also asked  
12 Plaintiff Jane Doe 34 questions about how wet she got and how much she secreted during sex. He  
13 also asked "what [her] boyfriend was doing about it" and said that if she wasn't getting wet  
14 enough, it probably meant that she wasn't into sex and she should not force herself to sleep with  
15 her boyfriend because she didn't have to.

16           85.     Defendant Tyndall then told Plaintiff Jane Doe 34 to get tested for STD frequently,  
17 even though she was in a committed relationship with her partner, because "you can't trust a boy  
18 not to sleep around." Defendant Tyndall told Plaintiff Jane Doe 34 that she had to assume the  
19 worst and always get tested "so that [she] had proof." He also made comments about Plaintiff Jane  
20 Doe 34's boyfriend being Caucasian, saying that often his Asian patients who dated "White boys"  
21 often broke up with them or the boys just had some sort of Asian fetish, and so she should be  
22 prepared to switch sexual partners.

23                           **FACTS SPECIFIC TO PLAINTIFF JANE DOE 35**

24           86.     Plaintiff Jane Doe 35 was a graduate student at USC from 2014-2016. As an  
25 international student from Canada, Plaintiff Jane Doe 35 did not have a choice but to go to  
26 Defendant USC's Engemann Student Health Center for all health concerns.

27           87.     Plaintiff Jane Doe 35 had never seen a male gynecologist before, and for her  
28 women's health visits, she preferred to see Donna Beard. However, it was difficult to get an

1 appointment with her and for immediate concerns, Defendant George Tyndall always seemed to  
2 have available appointments.

3 88. Plaintiff Jane Doe 35 saw Defendant Tyndall for a handful of visits. Defendant  
4 Tyndall insisted they have a one to one consultation in his office, which was musty and cluttered,  
5 cramped and overheated. It never felt hygienic to Plaintiff Jane Doe 35.

6 89. Every time Defendant Tyndall conducted a pelvic exam (and he did many times),  
7 he put his fingers in Plaintiff Jane Doe 35's vagina to "loosen" her up for the speculum. And every  
8 time he would react by asking her a variation of the same question: "wow do you cycle?" "do you  
9 run?" "your kegels are very strong."

10 90. When Plaintiff Jane Doe 35 came in for a check up after being intimate with  
11 someone new, he asked her, in the closed quarters of his office, a series of questions: Whether she  
12 had vaginal sex? Whether she had anal sex? Whether she had oral sex? Did you swallow? Was  
13 your partner male or female? How old is he? Did you have sex with him one time? How many  
14 times?... and so on. Believing this information was necessary for Defendant Tyndall to know,  
15 Plaintiff Jane Doe 35 answered his questions.

16 91. In the examination room, Plaintiff Jane Doe 35 got more unwanted comments, but  
17 there was always a nurse present. The nurses never interjected. While examining Plaintiff Jane  
18 Doe 35's bare back, Defendant Tyndall commented on her "smooth Asian skin."

19 92. During a breast examine Defendant Tyndall told Plaintiff Jane Doe 35 she would  
20 have no worries when she`s older because her breasts are perky. The nurse in the room did not  
21 react.

22 93. During Plaintiff Jane Doe 35's last visit to Defendant Tyndall's office, to renew her  
23 birth control prescription, she told him she was moving to San Francisco for a job and asked how  
24 she could move her records to her next doctor's office. Defendant Tyndall said since she might not  
25 get a new doctor right away, he would do her a favor and give her one last physical so she  
26 wouldn't have to worry about a physical for a while. This was the second physical in one year.

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**FACTS SPECIFIC TO PLAINTIFF MARISSA GUTIERREZ**

94. Plaintiff Marissa Gutierrez was a student at Defendant USC from 2002 through 2005. In or about 2003, Plaintiff made an appointment to see a gynecologist and was given an appointment with Defendant Tyndall. This was the first time Plaintiff Gutierrez had seen a gynecologist; she was young and naive (around 18 years old at the time).

95. At the time, Plaintiff Gutierrez was having an irregular menstrual cycle, hence she made the appointment to see a gynecologist. Plaintiff Gutierrez told Defendant Tyndall about her irregular monthly menstrual cycles. Defendant Tyndall responded that Plaintiff Gutierrez “should have unprotected sex” because that would “determine whether you could get pregnant or not.”

96. Plaintiff Gutierrez had never before seen a gynecologist, but was shocked with his suggestion. The whole experience made Plaintiff Gutierrez afraid to visit another gynecologist for several years later.

97. Plaintiff Gutierrez is Latina. In discussing birth control, Defendant Tyndall told Plaintiff Gutierrez that “a lot of Latinas are on it [birth control]” and “it’s a thing that Latinas do.”

**FACTS SPECIFIC TO PLAINTIFF JANE DOE 36**

98. Plaintiff Jane Doe 36 began attending Defendant USC as an undergraduate student in January 2011. On October 25, 2011, Plaintiff Jane Doe 36 visited the USC Student Health Center for her first ever gynecology appointment for a general checkup.

99. On her first gynecological visit, Plaintiff Jane Doe 36 was seen by Defendant Tyndall. Defendant Tyndall advised Plaintiff Jane Doe 36 to remove all her clothing, and directed her to lay on the patient bed.

100. Defendant Tyndall examined Plaintiff Jane Doe 36’s breasts by grabbing and squeezing them, using his full hand. Defendant Tyndall made comments about how large Plaintiff Jane Doe 36’s breasts were saying, “they’re bigger than you’d expect for someone of your stature.”

101. While there was a female nurse in the room during the entire examination, she stood in the corner of the room, not paying attention to the examination. At times, the nurse turned and faced the wall, as though she was preventing herself from witnessing what was taking place.

102. Defendant Tyndall then proceeded to perform the pelvic examination. Defendant

1 Tyndall inserted his bare hands into Plaintiff Jane Doe 36's vagina and made movements with his  
2 fingers inside Plaintiff Jane Doe 36, which felt like he was doing this for a few minutes.

3 103. While Defendant Tyndall was performing the pelvic examination, he asked Plaintiff  
4 Jane Doe 36 about her sexual activity. He asked how many partners she had; whether she had sex  
5 with men and/or women.

6 104. Plaintiff Jane Doe 36 never reported the incident. Since it was Plaintiff Jane Doe  
7 36's first time exposed to such an examination, and because there was a female nurse present, she  
8 convinced herself that this was normal, that this was merely norm protocol. Additionally, Plaintiff  
9 Jane Doe 36 doubted herself and ignored her intuition, because of Defendant USC's reputation as a  
10 prestigious academic institution. Plaintiff Jane Doe 36 never imagined that an institution of this  
11 caliber would allow, or be ignorant to, what was going on in an area as sensitive as medicine and  
12 gynecology.

13 **FACTS SPECIFIC TO PLAINTIFF JANE DOE 37**

14 105. Plaintiff Jane Doe 37 attended Defendant USC from 1995 until 1999. In 1996,  
15 during Plaintiff Jane Doe 37's sophomore year, she made an appointment to see a gynecologist.  
16 This was the first time Plaintiff Jane Doe 37 had ever seeing a gynecologist.

17 106. Plaintiff Jane Doe 37 was escorted to a room, given a gown and told to undress.  
18 Defendant Tyndall came into the room unaccompanied. Plaintiff Jane Doe 37 was told to lay  
19 down on the bed and to open her legs.

20 107. Defendant Tyndall remarked, "[Plaintiff Jane Doe 37's last name], is that  
21 Vietnamese? I served in Vietnam." He then proceeded to say something in Vietnamese and asked  
22 Plaintiff Jane Doe 37 if she understood it. Plaintiff Jane Doe 37 said no, she didn't understand  
23 what he said.

24 108. Defendant Tyndall then looked at Plaintiff Jane Doe 37's vagina and commented,  
25 "You have a lot of fluid, discharge coming out. It's really gushing, flowing." Plaintiff Jane Doe  
26 37 was extremely uncomfortable and embarrassed at his comments.

27 109. Defendant Tyndall then asked if Plaintiff Jane Doe 37 had her cervix frozen as a  
28 baby. Surprised, Plaintiff Jane Doe 37 replied, "no, why?" Defendant Tyndall replied, "In

1 Vietnam they used to do it to baby girls.” Plaintiff Jane Doe 37 said, “I was born in the U.S., so  
2 that did not happen.”

3 110. Defendant Tyndall then proceeded to digitally penetrate Plaintiff Jane Doe 37.  
4 At no time was there a chaperone or female nurse present in the room.

5 **FACTS SPECIFIC TO PLAINTIFF JANE DOE 38**

6 111. Plaintiff Jane Doe 38 attended Defendant USC as an undergraduate from 2003  
7 through 2005 and later returned to continue her undergraduate degree.

8 112. Plaintiff was 18 years old when she had her gynecological examination at  
9 Defendant USC Student Health Center. Defendant USC gave Plaintiff Jane Doe 38 an  
10 appointment to see Defendant Tyndall. Each time thereafter, even when Plaintiff Jane Doe 38  
11 tried to request to see a different OB/GYN, she was told that Defendant Tyndall was the only  
12 option.

13 113. During Plaintiff Jane Doe 38's first gynecological appointment in or about early  
14 September 2003, there was no female nurse or chaperone present. Defendant Tyndall performed a  
15 pelvic examination on Plaintiff Jane Doe 38 without using any gloves while he digitally penetrated  
16 Plaintiff Jane Doe 38's vagina. As he was digitally penetrating Plaintiff Jane Doe 38, Defendant  
17 Tyndall commented, “you’re tight.” He then asked Plaintiff Jane Doe 38 about her sexual  
18 practices.

19 114. The first time Defendant Tyndall used a speculum during the pelvic examination,  
20 he did not use any lubricant and Plaintiff Jane Doe 38 exclaimed that it hurt. Defendant Tyndall  
21 replied, “Oh, is it something you need during intercourse?” Defendant Tyndall also asked Plaintiff  
22 Jane Doe 38, “Have you had anal sex, if so, you’ll need lubricant for that.”

23 115. Defendant Tyndall told Plaintiff Jane Doe 38 that in order to get her birth control  
24 refilled, she would need to return to see him once every three months. Plaintiff Jane Doe 38 was  
25 led to believe by Defendant Tyndall that being seen every three months for a birth control  
26 prescription was standard USC policy. Plaintiff Jane Doe 38 was only ever written a prescription  
27 for three months at a time to ensure she would return. Plaintiff Jane Doe 38 thought to herself that  
28 Defendant USC and Defendant Tyndall were just being very thorough and did not question.

1           116. For the duration of Plaintiff Jane Doe 38's tenure at Defendant USC, she visited  
2 Defendant Tyndall approximately once every three months. Plaintiff Jane Doe 38 estimates that  
3 she saw Defendant Tyndall about 10 times for her birth control prescription and each time,  
4 Defendant Tyndall performed a pelvic examination. Each time Defendant Tyndall performed the  
5 pelvic examination, he digitally penetrated her moving his fingers throughout Plaintiff Jane Doe  
6 38's vagina.

7           117. During Plaintiff Jane Doe 38's second visit to see Defendant Tyndall, she asked if  
8 she should close the door. Defendant Tyndall replied, "no they're making me bring a nurse in."  
9 Hence, they waited for a female nurse to come into the room.

10           118. During a visit when a female nurse was present and Defendant Tyndall performed  
11 such a pelvic examination, Defendant Tyndall asked Plaintiff Jane Doe 38 several questions about  
12 her sexual practices. When Plaintiff Jane Doe 38 tried to make her discomfort known to the nurse,  
13 she only acknowledged that Defendant Tyndall was "very friendly."

14           119. On those occasions when a female nurse or chaperone was present, Defendant  
15 Tyndall used his body to block the view of the female nurse. In any event, it appeared to Plaintiff  
16 Jane Doe 38 that the female nurses/chaperones were not making an effort to watch the  
17 examination by Defendant Tyndall.

18                                   **FACTS SPECIFIC TO PLAINTIFF JANE DOE 39**

19           120. Plaintiff Jane Doe 39 attended Defendant USC from 1993 through December 1995.  
20 Plaintiff was 17 years old when she began her education at Defendant USC.

21           121. Plaintiff Jane Doe 39 made an appointment to see a gynecologist at Defendant  
22 USC's Student Health Center soon after starting at Defendant USC.

23           122. In or about November/December 1993, Plaintiff Jane Doe 39 was seen by  
24 Defendant Tyndall for a gynecological examination. Defendant Tyndall proceeded to conduct a  
25 pelvic examination of Plaintiff Jane Doe 39 by digitally penetrating her.

26           123. Defendant Tyndall then asked Plaintiff Jane Doe 39 if she would be willing to let  
27 him take pictures of her vaginal area for a study that was happening, but did not mention any  
28 details of the study.

1           124. Although only 18 years of age and a freshman, this proposition seemed to be an  
2 extremely invasive request to Plaintiff Jane Doe 39. When Defendant Tyndall asked her, she said,  
3 “You mean you want to take pictures of the outside of my vagina?!” Defendant Tyndall  
4 immediately said no and made it clear that they wouldn’t be taken from the outside. He said that  
5 he would take a picture of Plaintiff Jane Doe 39's cervix and vagina by inserting a camera inside  
6 her vagina. Defendant Tyndall made it sound like he was assuring Plaintiff Jane Doe 39 there was  
7 nothing lurid looking about the parts of her vaginal area about which he wanted to take pictures.

8           125. Plaintiff Jane Doe 39 asked him a few times what the study was about and instead  
9 of giving Plaintiff Jane Doe 39 an explanation, he did not. There was a female nurse sitting in the  
10 corner who said nothing during the examination.

#### 11           **FACTS SPECIFIC TO PLAINTIFF CHARLOTTE LAWS**

12           126. Plaintiff Laws attended Defendant USC in the 1980s when obtaining her first  
13 Master's Degree. She returned to Defendant USC in the 1990s for a second Master's degree and a  
14 Ph.D. Plaintiff Laws received her doctorate in 2000.

15           127. As a student at Defendant USC, and not having any other source of health  
16 insurance, Plaintiff Laws paid the extra fee to get medical coverage at Defendant USC’s Student  
17 Health Center.

18           128. During the time Plaintiff Laws was a graduate student between 1993 and 1999,  
19 whenever she needed to be seen by a gynecologist, Defendant USC always gave her an  
20 appointment to see Defendant Tyndall.

21           129. Plaintiff Laws saw Defendant Tyndall for an annual examination most years  
22 between 1993 and 1999. Each time when Defendant Tyndall performed a pelvic examination of  
23 Plaintiff Laws, he digitally penetrated her vagina. Plaintiff Laws is further informed and believes  
24 that on at least one occasion when Defendant Tyndall performed the pelvic examination, he did  
25 not wear gloves.

26           130. Plaintiff Laws recalls that Defendant Tyndall was particularly friendly and casual  
27 during the examinations and Defendant Tyndall told Plaintiff Laws that she was attractive.

28



1 FIRST CAUSE OF ACTION

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

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

5 132. Cal. Civ. Code §1708.5(a) provides: A person commits a sexual battery who does  
6 any of the following: (1) acts with the intent to cause a harmful or offensive contact with an  
7 intimate part of another, and a sexually offensive contact with that person directly or indirectly  
8 results. (2) Acts with the intent to cause a harmful or offensive contact with another by use of his  
9 or her intimate part, and a sexually offensive contact with that person directly or indirectly results.  
10 (3) Acts to cause an imminent apprehension of the conduct described in paragraph (1) or (2), and a  
11 sexually offensive contact with that person directly or indirectly results.

12 133. Cal. Civ. Code §1708.5(d) defines “intimate part” as the sexual organ, anus, groin,  
13 or buttocks of any person, or the breast of a female.

14 134. Cal. Civ. Code §1708.5(f) defines “offensive contact” to mean contact that offends  
15 a reasonable sense of personal dignity.

16 135. Plaintiffs allege that Defendant Tyndall committed the act of civil sexual battery in  
17 violation of Cal. Civ. Code §1708.5, when Defendant Tyndall willfully, maliciously, intentionally,  
18 and without the consent of Plaintiffs subjected them to the forceful, harmful and/or offensive  
19 touching of Plaintiffs’ “intimate parts.”

20 136. As a direct and/or proximate result of Defendant Tyndall’s unlawful conduct as  
21 alleged hereinabove, Plaintiffs have suffered emotional distress, humiliation, embarrassment,  
22 mental and anxiety, all in an amount exceeding the jurisdictional minimum of the Superior Court  
23 according to proof at trial.

24 137. The aforementioned conduct by Defendant Tyndall was willful, wanton, and  
25 malicious. At all relevant times, Defendant Tyndall acted with conscious disregard of the  
26 Plaintiffs’ rights and feelings. Defendant Tyndall also acted with the knowledge of or with  
27 reckless disregard for the fact that his conduct was certain to cause injury and/or humiliation to  
28 Plaintiffs. Plaintiffs are further informed and believe that Defendant Tyndall intended to cause

1 fear, physical injury and/or pain and suffering to the Plaintiffs. By virtue of the foregoing,  
2 Plaintiffs are entitled to recover punitive and exemplary damages from Defendant Tyndall  
3 according to proof at trial.

4 **SECOND CAUSE OF ACTION**

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

6 138. Plaintiffs repeat and reallege by reference each and every allegation contained  
7 hereinabove and incorporates the same herein as though fully set forth herein.

8 139. In performing the acts described herein, Defendant Tyndall acted with the intent to  
9 make a harmful and offensive contact with Plaintiffs' person.

10 140. Defendant Tyndall did, in fact, bring himself into offensive and unwelcome contact  
11 with Plaintiffs as described hereinabove.

12 141. At all relevant times, Plaintiffs found the contact by Defendant Tyndall to be  
13 offensive to her person and dignity. At no time did Plaintiffs knowingly consent to any of the acts  
14 by Defendant Tyndall alleged hereinabove.

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

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

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

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1 THIRD CAUSE OF ACTION

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

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

5 146. Cal. Civ. Code Section 52.4 ( c) defines “gender violence” as: (1) one or more acts  
6 that would constitute a criminal offense under state law that has as an element the use, attempted  
7 use, or threatened use of physical force against the person or property of another, committed at  
8 least in part based on the gender of the victim, whether or not those acts have resulted in criminal  
9 complaints, charges, prosecution, or conviction. (2) A physical intrusion or physical invasion of a  
10 sexual nature under coercive conditions, whether or not those acts have resulted in criminal  
11 charges, complaints, charges, prosecution, or conviction. Cal. Civ. Code Section 52.4(d) provides:  
12 Notwithstanding any other laws that may establish the liability of an employer for the acts of an  
13 employee, this section does not establish any civil liability of a person because of her or her status  
14 as an employer, unless the employer personally committed an act of gender violence.

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

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

24 149. As a direct and proximate result of Defendant Tyndall’s unlawful conduct as  
25 alleged hereinabove, Plaintiffs have suffered physical injury, emotional distress, humiliation,  
26 embarrassment, and/or anxiety, all in an amount exceeding the jurisdictional minimum of the  
27 Superior Court according to proof at trial.

28 150. The aforementioned conduct by Defendant Tyndall was willful, wanton, and

1 malicious. At all relevant times, Defendant Tyndall acted with conscious disregard of the  
2 Plaintiffs' rights and feelings. Defendant Tyndall also acted with the knowledge of or with reckless  
3 disregard for the fact that this conduct was certain to cause injury and/or humiliation to the  
4 Plaintiffs. By virtue of the foregoing, the Plaintiffs are entitled to recover punitive and exemplary  
5 damages from Defendants according to proof at trial.

6 151. Plaintiffs have incurred, and will continue to incur, attorneys' fees in the  
7 prosecution of this action and therefore demand such reasonable attorneys' fees and costs as set by  
8 the Court.

9 **FOURTH CAUSE OF ACTION**

10 **(Sexual Harassment in Violation of Civ. Code §51.9**

11 **Against Defendants USC and DOES 1-100)**

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

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

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

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

23 154. Civil Code §51.9(a) continues the elements for sexual harassment:

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

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

28 (4) The plaintiff has suffered or will suffer economic loss or disadvantage or personal

1 injury, including, but not limited to, emotional distress or the violation of a statutory or  
2 constitutional right, as a result of the conduct described in paragraph (2).”

3 155. During Plaintiffs’ times as students at Defendant USC and DOES 1 to 100,  
4 Defendant Tyndall intentionally, recklessly and wantonly made sexual advances, solicitations,  
5 requests, demands for sexual compliance of a hostile nature based on Plaintiffs’ gender that were  
6 unwelcome, pervasive and severe, including but not limited to Defendant Tyndall groping and  
7 fondling Plaintiffs’ breasts and vaginas, all under the supervision of Defendants, who were acting  
8 in the course and scope of their agency with Defendants, and each of them.

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

13 157. During Plaintiffs’ time as students at Defendant USC and DOES 1 to 100,  
14 Defendant Tyndall intentionally, recklessly and wantonly did acts which resulted in harmful and  
15 offensive contact with intimate parts of Plaintiffs’ persons, including but not limited to, using his  
16 position of authority and age to force Plaintiffs to give into Defendant Tyndall’s sexual  
17 suggestions.

18 158. Because of Plaintiffs’ relationships with Defendant Tyndall and Defendants USC  
19 and DOES 1 to 100, Defendant Tyndall’s status as the only full-time gynecologist employed by  
20 Defendant USC’s Student Health Center, and Plaintiffs’ young ages as students of Defendant  
21 USC, Plaintiffs were unable to easily terminate the relationship they had with Defendants.

22 159. Because of Defendant Tyndall’s age and position of authority versus Plaintiffs’  
23 physical seclusion, mental and emotional state, and young age, Plaintiffs were unable to, and did  
24 not and could not, give consent to such acts.

25 160. Even though Defendants knew or should have known of these activities by  
26 Defendant Tyndall, Defendants did nothing to investigate, supervise or monitor Defendant Tyndall  
27 to ensure the safety of the student-patients in their charge.

28 161. Because of Plaintiffs’ relationships with Defendants, as a student-patient of

1 Defendants, and Plaintiffs' young age, Plaintiffs were unable to easily terminate the physician-  
2 patient relationship they had with Defendants.

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

9 163. Defendants' conduct (and the conduct of their agents) was a breach of their duties  
10 to Plaintiffs.

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

18 **FIFTH CAUSE OF ACTION**

19 **(Violation of the California Unruh Civil Rights Act Civ. Code §51**

20 **Against Defendants USC and DOES 1-100)**

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

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

27 167. The Plaintiff's civil rights were violated by Defendant USC, when Defendant USC,  
28 through its agents, actors and employees, intentionally concealed complaint of sexual abuse,

1 molestation and harassment by TYNDALL from Plaintiffs. Plaintiffs had a right to be free from  
2 gender discrimination, sexual molestation, abuse and harassment under the Unruh Civil Rights  
3 Act.

4 168. The Defendants USC, TYNDALL, and DOES 1 through 500 were acting under the  
5 color of their authority and in the scope of their employment, during the instances when the  
6 Plaintiffs were student-patients at Defendant USC and DOES 1 through 500.

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

12 170. By employing and retaining TYNDALL as the sole full-time gynecologist with  
13 regular availability in its Student Health Clinic, despite its knowledge of myriad reports of  
14 TYNDALL's sexually abusive nature, Defendant USC forced its female students to seek necessary  
15 medical treatment from TYNDALL, thereby exposing Plaintiffs to TYNDALL's sexual abuse.  
16 Thus, Defendant USC's retention of TYNDALL denied Plaintiffs, and all of its other young  
17 female students, of full and equal access to safe medical facilities, treatment and services, based  
18 upon their gender.

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

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

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

7 **SIXTH CAUSE OF ACTION**

8 **(Violation of the California Bane Act Civ. Code §52.1**

9 **Against Defendants USC and DOES 1-100)**

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

12 175. Civil Code §52.1(a) states: "if a person or persons, whether or not acting under  
13 color of law, interferes by threat, intimidation, or coercion, or attempts to interfere by threat,  
14 intimidation, or coercion, with the exercise or enjoyment by any individual or individuals of rights  
15 secured by the Constitution or laws of the United States, or any district attorney or city attorney  
16 may bring a civil action for injunctive and other appropriate equitable relief in the name of the  
17 people of State of California, in order to protect the peaceable exercise or enjoyment of the right or  
18 rights secured. An action brought by the Attorney General, any district attorney, or any city  
19 attorney may also seek a civil penalty of twenty-five thousand dollars (\$25,000). If this civil  
20 penalty is requested, it shall be assessed individually against each person who is determined to  
21 have violated this section and the penalty shall be awarded to each individual whose rights under  
22 this section are determined to have been violated."

23 176. Further Civil Code §52.1(b) states: "Any individual whose exercise or enjoyment of  
24 rights secured by the Constitution or laws of the United States, or of rights secured by the  
25 Constitution or laws of this state, has been interfered with, or attempted to be interfered with, as  
26 described in subdivision (a), may institute and prosecute in his or her own name and on his or her  
27 own behalf a civil action for damages, including, but not limited to, damages under Section 52,  
28 injunctive relief, and other appropriate equitable relief to protect the peaceable exercise or



1 enjoyment of the right or rights secured, including appropriate equitable and declaratory relief to  
2 eliminate a pattern or practice of conduct as described in subdivision (a).

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

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

15 179. Furthermore, Plaintiffs were deprived of due process of law, when various  
16 complaints to Defendant USC's employees failed to trigger any report, investigation, or other  
17 action by Defendants USC and its managing agents, who were required to do so, both under their  
18 own policies and procedures, as well as under federal mandate by Title IX and the Fourteenth  
19 Amendment.

20 180. In addition, these actions were contrary to Plaintiffs' civil rights guaranteed under  
21 the Constitution of the State of California.

22 181. Defendants' wrongful conduct was intended to, and did successfully interfere with  
23 Plaintiffs' constitutional rights to be free from gender discrimination and harassment, as well as  
24 interfered with their rights of due process under the United States Constitution, specifically the  
25 Fifth and Fourteenth Amendments.

26 182. Defendants unlawfully and wrongfully used, or employed others to wrongfully use  
27 threats, intimidation, harassment, violence, and coercion over Plaintiffs' person, to which  
28 Plaintiffs had no relief except to submit to Defendants' wrongful threats, intimidation, harassment,

1 violence, and coercion, which rendered Plaintiffs' submission involuntary.

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

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

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

24 **SEVENTH CAUSE OF ACTION**

25 **(Sexual Harassment in Violation of the Education Code §220**

26 **Against All Defendants)**

27 186. Plaintiffs repeat and reallege by reference each and every allegation contained  
28 hereinabove and incorporates the same herein as though fully set forth herein.

1           187. Education Code §220 states: “No person shall be subjected to discrimination on the  
2 basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity,  
3 religion, sexual orientation, or any other characteristic that is contained in the definition of hate  
4 crimes set forth in Section 422.55 of the Penal Code, including immigration status, in any program  
5 or activity conducted by an educational institution that receives, or benefits from, state financial  
6 assistance, or enrolls pupils who receive state student financial aid.”

7           188. Plaintiffs were harmed by being subjected to molestation, sexual assault, sexual  
8 abuse, and/or sexual harassment at Defendants USC and DOES 1 to 100 because of Plaintiffs’  
9 gender and Defendants are responsible for that harm.

10           189. Plaintiffs suffered harassment that was so severe, pervasive, and offensive that it  
11 effectively deprived Plaintiffs of the right of equal access to educational benefits and  
12 opportunities.

13           190. Defendants had actual knowledge that this molestation, sexual assault, sexual  
14 abuse, and/or sexual harassment was occurring. Specifically, Defendant USC, by and through its  
15 employees, witnessed Defendant Tyndall’s abuse firsthand, as it was witnessed by multiple USC-  
16 employed chaperones. Further, Defendant USC received, and then actively suppressed and  
17 ignored, numerous complaints of Defendant Tyndall’s sexual abuse, dating back to at least the year  
18 2000.

19           191. In the face of this knowledge of molestation, sexual assault, sexual abuse, and/or  
20 sexual harassment that was being perpetrated upon Plaintiffs, by Defendant Tyndall, Defendants  
21 acted with deliberate indifference towards responding to these alarms and preventing further  
22 abuse. Defendants allowed Defendant Tyndall to remain as a Student Health Center physician at  
23 Defendants USC and DOES 1 to 100, to sexually harass, abuse and molest other patients. It was  
24 not until June of 2017 that Defendants allowed Defendant Tyndall to resign, with a monetary  
25 settlement, that Defendant Tyndall’s sexual abuse of young female students of Defendant USC  
26 finally stopped.

27           192. As a result of the aforementioned conduct, Plaintiffs suffered and continue to suffer  
28 great pain of mind and body, stock, emotional distress, physical manifestations of emotional

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

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

12 **EIGHTH CAUSE OF ACTION**

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

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

16 195. Plaintiffs are informed and believes that decades ago, Defendants USC learned that  
17 Defendant Tyndall had been sexually harassing and/or sexually assaulting female patients.

18 196. Plaintiffs recently learned that Defendants USC had known of Defendant Tyndall's  
19 sexual harassment and sexual assaults of other women and failed to take appropriate and corrective  
20 action.

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

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

26 199. Defendants USC and each of them, failed to use ordinary and reasonable care in  
27 order to avoid injury to Plaintiffs. This includes, but is not limited to, Defendants' failure to  
28 exercise a duty of care to avoid Defendant Tyndall's sexual harassment and sexual assault of

1 female student patients, including Plaintiffs causing them injury.

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

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

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

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

17 **NINTH CAUSE OF ACTION**

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

19 204. Plaintiffs repeat and reallege by reference each and every allegation contained  
20 hereinabove and incorporates the same herein as though fully set forth herein.

21 205. Defendants had a duty to provide Plaintiffs with a gynecologist who would provide  
22 each of them with a professional STD exam, devoid of any sexually harassing and/or sexually  
23 assaulting behavior.

24 206. Plaintiffs recently learned that USC had known of Defendant Tyndall's sexual  
25 harassment and sexual assaults of other women and failed to take appropriate and corrective  
26 action.

27 207. Only after the publication by the *Los Angeles Times*' exposé article several days  
28 ago, did Plaintiffs become aware that they were subjected to unlawful actions by Defendant

1 Tyndall and that his purported exam was merely a ruse for his own sexual gratification.

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

4 209. Defendants, and each of them, failed to use ordinary and reasonable care in order to  
5 avoid injury to Plaintiffs. This includes, but is not limited to, Defendants' failure to exercise a  
6 duty of care to avoid Defendant Tyndall's sexual harassment and sexual assault of female student  
7 patients, including Plaintiffs.

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

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

15 212. The conduct of Defendants, and each of them, constitutes negligence and is  
16 actionable under the laws of the State of California. As a direct and proximate result of the acts of  
17 Defendants, upon learning of the *Los Angeles Times'* exposé, Plaintiffs have suffered emotional  
18 distress, fear embarrassment, nervousness, nausea, anxiety, worry, shame, humiliation, distress,  
19 shock and sleeplessness and other physical manifestations.

20 213. Defendants' conduct was reckless and with a conscious disregard of Plaintiffs'  
21 rights. Plaintiffs are therefore entitled to an award of punitive damages against Defendants in an  
22 amount to be determined by proof at trial.

23 **TENTH CAUSE OF ACTION**

24 **(Fraudulent Misrepresentation Against Defendants USC,**  
25 **and Does 1-100)**

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

28 215. Defendants represented to plaintiffs that they were receiving a gynecological

1 examination when in truth they were being harassed, molested and abused by Defendant Tyndall.

2 216. Defendants' representation was false.

3 217. Defendants knew that the representation was false when made and without regard  
4 for its truth.

5 218. Defendants intended that Plaintiffs rely on the representation; and Plaintiffs  
6 reasonably relied on Defendants' representation.

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

11 220. Plaintiffs' reliance on Defendants' representation was a substantial factor in causing  
12 Plaintiffs harm.

13 221. Defendants' conduct was reckless and with a conscious disregard of Plaintiffs'  
14 rights. Plaintiffs are therefore entitled to an award of punitive damages against Defendants in an  
15 amount to be determined by proof at trial.

16 **ELEVENTH CAUSE OF ACTION**

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

18 222. Plaintiffs repeat and reallege by reference each and every allegation contained  
19 hereinabove and incorporate the same herein as though fully set forth herein.

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

24 224. Defendants represented to plaintiffs that they were receiving a gynecological  
25 examination when in truth they were being sexually harassed, molested and abused by Defendant  
26 Tyndall.

27 225. Plaintiffs were ignorant of the truth until they read the May 2018 *Los Angeles*  
28 *Times* exposé and/or the letter from Defendant USC President Nikias and justifiably relied upon

1 Defendants' misrepresentation.

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

6 **TWELFTH CAUSE OF ACTION**

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

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

10 228. By engaging in the above described conduct, Defendants engaged in extreme and  
11 outrageous conduct with the intention of causing, or reckless disregard of the probability of  
12 causing, emotional distress.

13 229. Upon learning of the *Los Angeles Times*' exposé and/or Defendant USC President  
14 Nikias letter, Plaintiffs have suffered emotional distress, fear embarrassment, nervousness, nausea,  
15 anxiety, worry, shame, humiliation, distress, shock and sleeplessness and other physical  
16 manifestations.

17 230. Plaintiffs' damages were the actual and proximate causation of the emotional  
18 distress caused by Defendants' outrageous conduct.

19 231. Defendants' conduct was reckless and with a conscious disregard of Plaintiffs'  
20 rights. Plaintiffs are therefore entitled to an award of punitive damages against Defendants in an  
21 amount to be determined by proof at trial.

22 **THIRTEENTH CAUSE OF ACTION**

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

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

26 233. Plaintiffs are informed and believe that decades ago, Defendants USC learned that  
27 Defendant Tyndall was sexually harassing and/or sexually assaulting female patients.

28 234. Plaintiffs recently learned that Defendants had known of Defendant Tyndall's



1 sexual harassment and sexual assaults of other women and failed to take appropriate and corrective  
2 action.

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

6 236. Defendants owed Plaintiffs a duty of care to act in a reasonable and ordinary  
7 manner so as not to cause Plaintiffs any foreseeable harm.

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

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

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

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

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

- 26 1. For a money judgment representing compensatory damages including consequential  
27 damages, lost wages, earning, and all other sums of money, together with interest  
28 on these amounts, according to proof;

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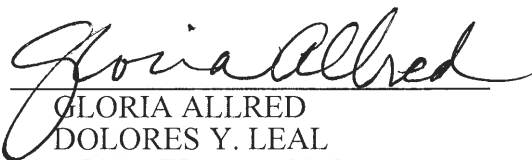
2. For an award of money judgment for mental pain and anguish and severe emotional distress, according to proof;
3. For punitive and exemplary damages according to proof;
4. For attorneys' fees and costs;
5. For such other and further relief as the Court may deem just and proper.

**JURY TRIAL DEMANDED**

Plaintiffs demand trial of all issues by jury.

DATED: October 23, 2018

ALLRED, MAROKO & GOLDBERG

By:   
GLORIA ALLRED  
DOLORES Y. LEAL  
MICHAEL MAROKO  
Attorneys for Plaintiffs