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10 Attorneys for Plaintiffs JANE DOE 1,  
11 JANE DOE 2, JANE DOE 3, and  
12 JANE DOE 4

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

14 **IN AND FOR THE COUNTY OF LOS ANGELES**

15 JANE DOE 1, an individual; JANE DOE 2,  
16 an individual; JANE DOE 3, an individual;  
17 and JANE DOE 4, an individual,

18 Plaintiffs,

19 v.

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

24 Defendants.

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ORIGINAL FILED  
Superior Court of California  
County of Los Angeles

MAY 21 2018

Sherri R. Carter, Executive Officer/Clerk  
By: Gloriella Robinson, Deputy

Case No.: **BC 7 0 6 8 4 4**

Judge: \_\_\_\_\_

Department: \_\_\_\_\_

**COMPLAINT FOR DAMAGES FOR:**

- 1) VIOLATION OF UNRUH ACT  
(*CIVIL CODE* § 51)
- 2) VIOLATION OF BANE ACT  
(*CIVIL CODE* §52.1)
- 3) SEXUAL ABUSE AND  
HARASSMENT IN THE  
EDUCATIONAL SETTING  
(*EDUCATION CODE* §220)
- 4) GENDER VIOLENCE (*CIVIL*  
*CODE* § 52.4);
- 5) SEXUAL HARASSMENT (*CIVIL*  
*CODE* § 51.9);
- 6) SEXUAL ASSAULT;
- 7) SEXUAL BATTERY (*CIVIL CODE*  
§ 1708.5);
- 8) UNFAIR BUSINESS PRACTICES  
(*BUSINESS & PROFESSIONS*  
*CODE* § 17200);
- 9) INTENTIONAL INFLECTION OF  
EMOTIONAL DISTRESS;
- 10) CONSTRUCTIVE FRAUD (*CIVIL*  
*CODE* § 1573);
- 11) NEGLIGENCE;

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12) NEGLIGENT SUPERVISION;  
13) NEGLIGENT HIRING/  
RETENTION;  
14) NEGLIGENT FAILURE TO  
WARN, TRAIN OR EDUCATE.

**DEMAND FOR JURY TRIAL.**

**COME NOW**, Plaintiffs JANE DOE 1, JANE DOE 2, JANE DOE 3, and JANE DOE 4,  
who complain and allege as follows:

**GENERAL ALLEGATIONS AS TO THE PARTIES**

1. This action seeks to vindicate the rights of four young women who were sexually abused, harassed and molested at the hands of serial sexual predator, Defendant DR. GEORGE TYNDALL (hereinafter referred to as, "TYNDALL" or "THE PERPETRATOR"), while they were students at Defendant UNIVERSITY OF SOUTHERN CALIFORNIA (hereinafter referred to as "USC"). While attending Defendant USC, Plaintiffs were forced to repeatedly seek medical treatment from TYNDALL, due to the fact that he was the only full-time gynecologist on staff at Defendant USC's Student Health Clinic. TYNDALL used this position of trust and authority to sexually abuse Plaintiffs on multiple occasions, by engaging in acts that include but are not limited to: forcing Plaintiffs to strip naked, groping Plaintiffs' breasts, digitally penetrating Plaintiffs' vaginas, and spread open their anal crevice so he could leer at the crevice and anus, for no legitimate medical purpose and for no other reason than to satisfy his own prurient sexual desires. Despite the fact that USC has publicly admitted that it received numerous complaints of TYNDALL's sexually abusive behavior, dating back to at least the year 2000, Defendant USC actively and deliberately concealed TYNDALL's sexual abuse for years, continuing to grant TYNDALL unfettered sexual access to the young female USC students in his care, all to protect Defendant USC's reputation and financial coffers.

**PLAINTIFF JANE DOE 1**

2. Plaintiff JANE DOE 1 is a female who was born in 1985, was raised in California and currently resides in Sacramento County, California.

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3. In the fall of 2003, Plaintiff JANE DOE 1, who was just eighteen years old at the time, moved to USC to begin her undergraduate studies. In order to obtain a standard gynecological examination as part of an ordinary medical health regimen, Plaintiff JANE DOE 1 made an appointment with the only gynecological physician on staff at USC's student health clinic, TYNDALL, in or around 2003. It was at this point (as detailed further, below) that TYNDALL gained access to PLAINTIFF JANE DOE 1 and sexually abused her. Such sexual abuse included, but was not limited to, penetrating Plaintiff JANE DOE 1's vagina with his entire hand, up to his wrist, to her pelvic floor, without a glove, under the guise of conducting a medical treatment. Although Plaintiff JANE DOE 1, in reasonable reliance upon Defendant USC's active concealment of its knowledge that TYNDALL was a sexual predator, believed that TYNDALL was conducting a legitimate medical procedure, in May of 2018, Plaintiff JANE DOE 1 realized, for the first time, that TYNDALL's actions were purely motivated by his own prurient desire to sexually abuse her, as he sexually abused so many other young female patients in the past.

4. TYNDALL repeatedly sexually abused PLAINTIFF JANE DOE 1 on approximately eight separate occasions from approximately 2003 through 2007, by forcing his ungloved fingers and/or entire ungloved hand inside of her, each time she came to Defendant USC's Student Health Center. Each time TYNDALL sexually abused PLAINTIFF JANE DOE 1, a USC-employed chaperone was also in the examination room and observed the abuse, yet did nothing to prevent or report TYNDALL's sexual abuse. Because Defendant USC's chaperone stood by silently as TYNDALL sexually abused Plaintiff JANE DOE 2, she reasonably believed that TYNDALL was conducting a legitimate medical treatment while he was groping and penetrating her, although she now knows that TYNDALL's conduct was, in fact, sexual abuse.

**PLAINTIFF JANE DOE 2**

5. Plaintiff JANE DOE 2 is a female who was born in April of 1986, was raised in California and currently resides in San Mateo County, California.

6. From 2008 through 2014, Plaintiff JANE DOE 2 attended USC as a graduate student. Plaintiff JANE DOE 2, who had never before undergone a full gynecological pelvic examination, first saw TYNDALL at USC's student health clinic in 2008 for a routine check-up.

1 TYNDALL forced JANE DOE 2 to strip completely naked, groped her breasts, and digitally  
2 penetrated her vagina instead of using a medical device, then asked Plaintiff JANE DOE 2  
3 incredibly inappropriate and intrusive questions about her sexual history – including whether or  
4 not she had ever swallowed semen before – for no other reason than for his own sexual  
5 gratification. Plaintiff JANE DOE 2 was forced to submit to such sexual abuse on at least two  
6 more occasions, between 2008 and 2014, and on each of those occasions, a USC-employed  
7 chaperone was present in the examination room and witnessed TYNDALL’s sexual abuse  
8 firsthand, yet did nothing to prevent TYNDALL’s repeated sexual assaults of Plaintiff JANE DOE  
9 2.

10 7. In or around May of 2015, Plaintiff JANE DOE 2 then reported TYNDALL’s  
11 inappropriate conduct to Donna Beard Gilchrist, USC’s Clinical Instructor for Family Medicine.  
12 Because Defendant USC’s chaperone stood by silently as TYNDALL sexually abused Plaintiff  
13 JANE DOE 2, and because of USC’s response to her report, JANE DOE 2 reasonably believed  
14 that TYNDALL was conducting a legitimate medical treatment while he was groping and  
15 penetrating her, although she now knows that TYNDALL’s conduct was, in fact, sexual abuse.  
16 Despite JANE DOE 2’s detailed complaint of TYNDALL’s misconduct, and Ms. Gilchrist’s  
17 assurances that she would report that complaint, USC actively concealed JANE DOE 2’s  
18 complaint of TYNDALL’s sexually abusive behavior and continued to allow TYNDALL to have  
19 unfettered sexual access to its young female students.

20 **PLAINTIFF JANE DOE 3**

21 8. Plaintiff JANE DOE 3 is a female who was born in 1990, currently resides in Los  
22 Angeles County, California.

23 9. In 2015, Plaintiff JANE DOE 3 attended USC for graduate school as an  
24 international student. In approximately 2015, Plaintiff scheduled a gynecological appointment  
25 through Defendant USC’s Student Health Clinic’s online portal, because she required treatment  
26 for symptoms of a vaginal infection. When Plaintiff JANE DOE 3 arrived for her appointment,  
27 TYNDALL, as the only full-time gynecologist at USC’s student health clinic, was her treating  
28 physician. TYNDALL forced Plaintiff JANE DOE 3 to remove all of her clothes, then proceeded

1 to grope her breasts with his ungloved hands, and digitally penetrate her vagina with two of his  
2 fingers. Even when Plaintiff JANE DOE 3 told TYNDALL that she was in pain and asked him to  
3 stop, TYNDALL continued to digitally penetrate Plaintiff JANE DOE 3. TYNDALL then refused  
4 to administer a pap smear test or discharge test to Plaintiff JANE DOE 3, where the purpose of  
5 Plaintiff JANE DOE 3's gynecological appointment was to receive those standard, legitimate  
6 medical test. During the entire time that TYNDALL was sexually abusing Plaintiff JANE DOE 3  
7 and refusing to provide her with the actual medical treatment that she requested, a USC-employed  
8 chaperone was present, observing the abuse firsthand, yet taking no action to prevent or report  
9 TYNDALL's sexual abuse. Because Defendant USC's chaperone stood by silently as TYNDALL  
10 sexually abused Plaintiff JANE DOE 3, she reasonably believed that TYNDALL was conducting  
11 a legitimate medical treatment while he was groping and penetrating her, although she now knows  
12 that TYNDALL's conduct was, in fact, sexual abuse.

#### 13 **PLAINTIFF JANE DOE 4**

14 10. Plaintiff JANE DOE 4 is a female who currently resides in Los Angeles County,  
15 California.

16 11. In 2014, Plaintiff JANE DOE 4 was a student at USC. In approximately January  
17 2014, Plaintiff scheduled an appointment through Defendant USC's Student Health Clinic's online  
18 portal, because she required treatment for lower abdominal pain. When Plaintiff JANE DOE 4  
19 arrived for her appointment, TYNDALL, as the only full-time gynecologist at USC's student  
20 health clinic, was her treating physician. TYNDALL digitally penetrated JANE DOE 4's vagina  
21 with two of his fingers on three separate occasions during the appointment. He also grazed his  
22 ungloved fingers over her entire naked body, including her breasts, and spread her naked buttocks  
23 cheeks and leered at her crevice and anus. He also asked Plaintiff JANE DOE 4 incredibly  
24 inappropriate and intrusive questions about her sexual orientation and her willingness to engage in  
25 oral and anal sex, among other inappropriate questions, for no other reason than for his own sexual  
26 gratification. A USC-employed chaperone was present in the examination room and witnessed  
27 TYNDALL's sexual abuse firsthand, yet took no action to prevent or report TYNDALL's sexual  
28 abuse. Because Defendant USC's chaperone stood by silently as TYNDALL sexually abused

1 Plaintiff JANE DOE 4, she reasonably believed that TYNDALL was conducting a legitimate  
2 medical treatment while he was abusing her, although she now knows that TYNDALL's conduct  
3 was, in fact, sexual abuse.

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

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

26 13. TYNDALL was retained by USC as a Gynecological Physician and to provide  
27 medical care and treatment to the young women attending USC as undergraduate and graduate  
28 students, most of whom were very young adults and many of whom had never received any

1 gynecological treatment before, while in his care. It was through this position of trust and  
2 confidence, that TYNDALL exploited Plaintiffs, in perpetrating his sexual abuse, molestation and  
3 harassment upon Plaintiffs. All of the sexually abusive and harassing conduct alleged herein was  
4 done for TYNDALL's sexual gratification and was based upon the gender of Plaintiff JANE DOE  
5 1, JANE DOE 2, JANE DOE 3 and JANE DOE 4.

6 14. In the event that TYNDALL is prosecuted and convicted of a felony for the  
7 conducted alleged herein, Plaintiffs requests leave to amend the instant Complaint, such that a  
8 request for attorneys' fees can be made against TYNDALL pursuant to *Code of Civil Procedure* §  
9 1021.4.

10 **DEFENDANT, USC**

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

3 16. Furthermore, Defendant USC's marketed and promoted its Engemann Student  
4 Health Center ("Student Health Center") as a safe, affordable and convenient healthcare provider  
5 where its students could obtain necessary medical treatment. The Student Health Center is an  
6 especially critical resource to young female students, many of whom are living away from home  
7 for the first time and require safe, direct, and private access to crucial gynecological and  
8 reproductive health treatment. Defendant USC's Student Health Center's own website proclaims:  
9 "Structured for students currently registered for classes, our focus is to help students maintain an  
10 optimum level of physical and mental health and to guide them in maintaining a healthy lifestyle."  
11 Defendant USC's Student Health Center "serves those students who are registered for classes and  
12 who have paid the Student Health Fee;" thus, Defendant USC requires its students to pay a  
13 premium above and beyond the \$74,825 that they pay in tuition and fees, in order to receive  
14 medical treatment at the Student Health Center. The Mission Statement of Defendant USC's  
15 Student Health Center states: "Our mission at Engemann Student Health Center is to provide high  
16 quality, cost-effective and client-oriented services and resources in health promotion and disease  
17 prevention, primary care and counseling to the University Park Campus student community. We  
18 strive to facilitate the completion of your academic career at USC by promoting healthy lifestyles  
19 and caring for your physical and psychological illnesses and concerns."

20 17. At all times during his employment with the Student Health Center, Defendant USC  
21 held Defendant TYNDALL out to be a trustworthy and legitimate gynecological physician; indeed,  
22 by making TYNDALL the only full-time gynecologist on staff at Defendant USC's Student Health  
23 Center, Defendant USC forced its young female students to place their trust and confidence in  
24 TYNDALL in order to receive necessary medical care. In making this false representation,  
25 Defendant USC concealed numerous complaints lodged by female students about TYNDALL's  
26 sexual abuse, which by Defendant USC's own admission date back to at least the year 2000.  
27 Plaintiffs are informed and believe, and on this basis allege, that Defendant USC received  
28 complaints of TYNDALL's sexually abusive nature, and therefore knew of TYNDALL's



1 dangerous propensity to sexually abuse his young female patients, as early as the 1990s. Despite  
2 this knowledge, Plaintiffs are informed and believe, and on this basis allege, that Defendant USC  
3 never once reported TYNDALL to law enforcement, or to the Medical Board of California, during  
4 TYNDALL's twenty-eight-year tenure at Defendant USC. Defendant USC's failure to report  
5 TYNDALL is particularly egregious, in light of the fact that its President, C.L. Max Nikias, has  
6 publicly admitted that Tyndall "should have been removed and referred to authorities years ago."

7 18. Plaintiffs are informed and believe, and on this basis allege, that Defendant USC  
8 benefitted financially from retaining TYNDALL as the only full-time gynecologist at USC's  
9 Student Health Center by offering his health care to USC's female students, at those students'  
10 expense. Plaintiffs are further informed and believe, and on this basis allege, that Defendant USC  
11 benefitted financially from actively concealing myriad complaints of sexual abuse made by its  
12 female students against TYNDALL by protecting its own reputation and financial coffers.  
13 Defendant USC's deliberate and fraudulent concealment included, but was not limited to, paying  
14 TYNDALL a financial settlement so that he would quietly resign, after Defendant USC's 2016  
15 investigation revealed that TYNDALL routinely made sexually and racially inappropriate remarks  
16 to patients, kept a secret box full of photographs of his patients' genitals, and had documented  
17 complaints against him lodged to Defendant USC dating back to at least the year 2000. Defendant  
18 USC paid TYNDALL this financial settlement in a deliberate attempt to conceal from Plaintiffs,  
19 and the public at large, that TYNDALL was a serial sexual predator, in order to avoid criminal  
20 consequences, civil liability and irreparable damage to its reputation.

21 **DOE DEFENDANTS 1 THROUGH 500**

22 19. Defendants DOES 1 through 500, inclusive, and each of them, are sued herein  
23 under said fictitious names. Plaintiffs are ignorant as to the true names and capacities of DOES 1  
24 through 500, whether individual, corporate, associate, or otherwise, and therefore sue said  
25 Defendants by such fictitious names. When their true names and capacities are ascertained,  
26 Plaintiffs will request leave of Court to amend this Complaint to state their true names and  
27 capacities herein.

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1           20. TYNDALL, USC and DOES 1 through 500, inclusive, are sometimes collectively  
2 referred to herein as "Defendants" and/or as "All Defendants"; such collective reference refers to  
3 all specifically named Defendants as well as those fictitiously named herein.

4           21. Plaintiffs are informed and believe, and on that basis allege that at all times  
5 mentioned herein, each Defendant was responsible in some manner or capacity for the occurrences  
6 herein alleged, and that Plaintiffs' damages, as herein alleged, were proximately caused by all said  
7 Defendants.

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

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

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

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1           25. Plaintiffs are informed and believe, and on that basis allege that at all times  
2 mentioned herein, TYNDALL, Defendant USC, and DOES 1 through 500 were the trustees,  
3 partners, servants, joint venturers, shareholders, contractors, and/or employees of each and every  
4 other Defendant, and the acts and omissions herein alleged were done by them, acting individually,  
5 through such capacity and within the scope of their authority, and with the permission and consent  
6 of each and every other Defendant and that said conduct was thereafter ratified by each and every  
7 other Defendant, and that each of them is jointly and severally liable to Plaintiffs.

8                   **FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS BY JANE DOE 1**

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

14           27. At all times material hereto, TYNDALL was under the direct supervision,  
15 management, agency and control of Defendants USC and DOES 1 through 500, inclusive.  
16 TYNDALL was a gynecological physician hired, employed, supervised, and retained by  
17 Defendant USC, and DOES 1 through 500. While a gynecological physician at Defendants,  
18 TYNDALL's employment duties included providing medical care to the female undergraduate  
19 and graduate students of Defendant USC. The purported care offered by TYNDALL included, but  
20 was not limited to, conducting gynecological examinations and providing reproductive health  
21 treatments to the female students of Defendants USC and DOES 1 through 500, which included  
22 Plaintiff JANE DOE 1. Plaintiff JANE DOE 1 was an undergraduate student of Defendant USC  
23 and DOES 1 through 500 and it is under these circumstances that Plaintiff JANE DOE 1 came to  
24 be under the direction and control of TYNDALL who used his position of authority and trust to  
25 molest and sexually abuse Plaintiff JANE DOE 1.

26           28. As a student of Defendants USC and DOES 1 through 500 while TYNDALL was  
27 a gynecological physician, Plaintiff JANE DOE 1 was under TYNDALL's direct supervision,  
28 control and care, which created a special, confidential, and fiduciary relationship between Plaintiff

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

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

14 29. Plaintiff JANE DOE 1 is informed and believes, and on that basis alleges, that  
15 Defendants knew or should have known that TYNDALL had engaged in unlawful sexually-  
16 abusive conduct in the past, and/or was continuing to engage in such conduct. Defendants had a  
17 duty to disclose these facts to Plaintiff JANE DOE 1 and others, but negligently and/or  
18 intentionally suppressed, concealed or failed to disclose this information. The duty to disclose this  
19 information arose by the special, trusting, confidential, fiduciary relationship between Defendants  
20 and Plaintiff JANE DOE 1. Specifically, the Defendant USC knew that TYNDALL was groping,  
21 digitally penetrating, and otherwise sexually harassing young female students in isolation with  
22 those students, based on the following:

- 23 a. Plaintiff JANE DOE 1, who was approximately 18 years old at the time,  
24 had her first-ever gynecological appointment with TYNDALL in or around  
25 2003. During that appointment, under the guise of performing a legitimate  
26 medical treatment, TYNDALL forced his entire hand and wrist into  
27 Plaintiff JANE DOE 1's vagina, to her pelvic floor. TYNDALL was not  
28 wearing a glove, such that he penetrated Plaintiff JANE DOE 1 with his  
bare hand. Furthermore, TYNDALL did not provide PLAINTIFF JANE  
DOE 1 with any standard, proper modesty coverings, such as a lap draping,  
when performing what he claimed to be a legitimate pelvic examination.  
Although she did not realize it at the time, Plaintiff JANE DOE 1 now

1 knows that TYNDALL was not providing medical treatment to her but was  
2 instead sexually assaulting her to further his own prurient desires.

- 3 b. While TYNDALL had his entire ungloved fist inside of Plaintiff JANE  
4 DOE 1's vagina, he made a vulgar and demeaning comment on the size of  
5 Plaintiff JANE DOE 1's genitalia, saying: "You know what they say about  
6 tall women." Plaintiff JANE DOE 1 is informed and believes, and on this  
7 basis alleges, that TYNDALL's statement was designed to shame, humiliate  
8 and control Plaintiff JANE DOE 1 so that she would be silenced, and  
9 therefore would not repeat the comment or report TYNDALL's sexually  
10 abusive conduct to any other person, so that TYNDALL could continue to  
11 sexually abuse the young female students of Defendant USC with impunity.  
12 These comments did, in fact, shame, humiliate and embarrass Plaintiff to  
13 her substantial psychological and emotional detriment, coercing her from  
14 disclosing the abuse to USC.
- 15 c. At all times while Plaintiff JANE DOE 1 was in the examination room with  
16 TYNDALL, a chaperone employed by Defendant USC was also present in  
17 the room and was charged with the duty of supervising TYNDALL during  
18 the gynecological examination. In dereliction of this duty, while  
19 TYNDALL was sexually abusing Plaintiff JANE DOE 1 by forcing his  
20 hand into her vagina, the chaperone deliberately looked away.
- 21 d. Although TYNDALL's purported "medical examination" caused Plaintiff  
22 JANE DOE 1 pain and discomfort, Plaintiff JANE DOE 1 trusted that  
23 TYNDALL was, in fact, conducting a legitimate medical procedure, due to  
24 his position of authority as a physician employed by Defendant USC and  
25 due to the fact that a chaperone was present, yet did not object to  
26 TYNDALL's conduct. Moreover, Plaintiff had no choice but to receive  
27 gynecological care from TYNDALL, as he was the only full-time  
28 gynecologist at Defendant USC's Student Health Center.
- 29 e. Because Defendant USC actively concealed myriad complaints of  
30 TYNDALL's sexually abusive behavior and failed to warn Plaintiff JANE  
31 DOE 1 of his dangerous propensity to sexually abuse his young female  
32 patients, Plaintiff JANE DOE 1 continued to see TYNDALL for  
33 gynecological treatment until in or around 2007. In total, TYNDALL  
34 sexually abused Plaintiff JANE DOE 1 by forcing his ungloved fingers  
35 and/or entire ungloved hand inside of her on approximately eight separate  
36 occasions.
- 37 f. It was only in May of 2018, when TYNDALL's rampant sexual abuse of  
38 the young female student-patients of Defendant USC was nationally  
39 publicized by the media, that JANE DOE 1 came to learn that TYNDALL's  
40 treatment of her was never a legitimate medical treatment, but rather was  
41 sexual assault, committed for his own sexual gratification.

42 **FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS BY JANE DOE 2**

43 30. At all times material hereto, Plaintiff JANE DOE 2 was a graduate student and was  
44 under Defendants USC, TYNDALL's, and DOES 1 through 500's complete control, dominion,  
45 and supervision. TYNDALL worked for, was employed by, and/or an agent/servant of the  
46 Defendants USC and/or DOES 1 through 500, when TYNDALL came into contact with the  
47 Plaintiff JANE DOE 2.  
48

1           31. At all times material hereto, TYNDALL was under the direct supervision,  
2 management, agency and control of Defendants USC and DOES 1 through 500, inclusive.  
3 TYNDALL was a gynecological physician hired, employed, supervised, and retained by  
4 Defendant USC, and DOES 1 through 500. While a gynecological physician at Defendants,  
5 TYNDALL's employment duties included providing medical care to the female undergraduate  
6 and graduate students of Defendant USC. The purported care offered by TYNDALL included, but  
7 was not limited to, conducting gynecological examinations and providing reproductive health  
8 treatments to the female students of Defendants USC and DOES 1 through 500, which included  
9 Plaintiff JANE DOE 2. Plaintiff JANE DOE 2 was a graduate student of Defendant USC and  
10 DOES 1 through 500 and it is under these circumstances that Plaintiff JANE DOE 2 came to be  
11 under the direction and control of TYNDALL who used his position of authority and trust to molest  
12 and sexually abuse Plaintiff JANE DOE 2.

13           32. As a student of Defendants USC and DOES 1 through 500 while TYNDALL was  
14 a gynecological physician, Plaintiff JANE DOE 2 was under TYNDALL's direct supervision,  
15 control and care, which created a special, confidential, and fiduciary relationship between Plaintiff  
16 JANE DOE 2 and TYNDALL. Because of such relationship, TYNDALL owed Plaintiff a duty of  
17 care. Additionally, as the employers and supervisors of TYNDALL with knowledge that he was  
18 in contact with and providing medical care to young female students, Defendants USC and DOES  
19 1 through 500 were also in a special, confidential, and fiduciary relationship with Plaintiff JANE  
20 DOE 2, owing Plaintiff JANE DOE 2 a duty of care.

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

1           34. Plaintiff JANE DOE 2 is informed and believes, and on that basis alleges, that  
2 Defendants knew or should have known that TYNDALL had engaged in unlawful sexually-  
3 abusive conduct in the past, and/or was continuing to engage in such conduct. Defendants had a  
4 duty to disclose these facts to Plaintiff JANE DOE 2 and others, but negligently and/or  
5 intentionally suppressed, concealed or failed to disclose this information. The duty to disclose this  
6 information arose by the special, trusting, confidential, fiduciary relationship between Defendants  
7 and Plaintiff JANE DOE 2. Specifically, the Defendant USC knew that TYNDALL was groping,  
8 digitally penetrating, and otherwise sexually harassing young female students in isolation with  
9 those students, based on the following:

- 10           a. Plaintiff JANE DOE 2 had never been treated by a gynecologist before  
11 when, in approximately 2008, she had her first appointment with  
12 TYNDALL at Defendant USC's Student Health Center. On this first  
13 occasion, and every other occasion thereafter, TYNDALL forced Plaintiff  
14 JANE DOE 2 to strip completely naked, so that he could leer at her for his  
15 own sexual gratification.
- 16           g. TYNDALL then proceeded to grope Plaintiff JANE DOE 2's breasts, under  
17 the guise of performing a medical procedure. Just before groping her  
18 breasts, TYNDALL would lecherously rub his hands together in front of  
19 Plaintiff JANE DOE 2, and would say, "I just want to get them warm for  
20 you." Plaintiff JANE DOE 2 is informed and believes, and on this basis  
21 alleges, that TYNDALL's comments and hand gestures were designed to  
22 cause Plaintiff JANE DOE 2 shame, intimidation and discomfort, in  
23 furtherance of TYNDALL's own prurient desires. These comments did, in  
24 fact, shame, humiliate and embarrass Plaintiff to her substantial  
25 psychological and emotional detriment.
- 26           b. After groping Plaintiff JANE DOE 2, TYNDALL digitally penetrated  
27 Plaintiff JANE DOE 2's vagina, putting his fingers inside of her rather than  
28 using a medical device. On one occasion, TYNDALL used his fingers to  
wipe Plaintiff JANE DOE 2's vaginal discharge onto his fingers, then held  
his fingers in front of her face, in order to cause Plaintiff JANE DOE 2  
shame and embarrassment. Plaintiff JANE DOE 2 now knows that  
TYNDALL's digital penetration of her was not a legitimate medical  
procedure, but an act of sexual assault for his own sexual gratification.
- c. In total, TYNDALL performed the sexual abuse set forth above on Plaintiff  
JANE DOE 2 on at least three occasions, between in or around 2008 through  
in or around 2014. On each occasion, a chaperone employed by Defendant  
USC was also present in the examination room and witnessed TYNDALL's  
sexual abuse of Plaintiff JANE DOE 2, yet took no action to prevent or  
report TYNDALL's sexual abuse.
- h. On one occasion, Plaintiff JANE DOE 2 made an appointment with  
TYNDALL to receive medical care for a yeast infection. TYNDALL  
proceeded to ask Plaintiff JANE DOE 2 incredibly intrusive questions about  
her sexual history – including but not limited to "How many people have  
you slept with? Did they ejaculate inside of you? Did you give them oral

1 sex? Did they ejaculate in your mouth? Did you swallow?” – for no other  
2 reason than to satisfy his own prurient desires. These comments did, in fact,  
3 shame, humiliate and embarrass Plaintiff to her substantial psychological  
4 and emotional detriment, coercing her from disclosing the abuse to USC.

- 5 d. On that same occasion, TYNDALL falsely told Plaintiff JANE DOE 2 that,  
6 because she had a yeast infection, she likely had AIDS, and told her to  
7 submit to an AIDS test as soon as possible. This falsehood caused Plaintiff  
8 JANE DOE 2 extreme emotional distress, as she was forced to wait for days  
9 for her test results to confirm that she did not in fact have AIDS, all the  
10 while fearing that she might have this life-threatening disease. Plaintiff  
11 JANE DOE 2 is informed and believes, and on this basis alleges, that  
12 TYNDALL falsely told Plaintiff JANE DOE 2 that she likely had AIDS for  
13 the sole purpose of causing Plaintiff JANE DOE 2 to feel anxiety,  
14 embarrassment and regret over her sexual history, in order to shame  
15 Plaintiff JANE DOE 2 into silence and to exert his authority as a medical  
16 professional over her.
- 17 e. In or around May of 2015, Plaintiff JANE DOE 2 complained of  
18 TYNDALL’s misconduct – namely, his falsely telling her she likely had  
19 AIDS – to Donna Beard Gilchrist, Defendant USC’s Clinical Instructor of  
20 Family Medicine. When Ms. Gilchrist asked Plaintiff JANE DOE 2 to  
21 elaborate on TYNDALL’s treatment of her, Plaintiff JANE DOE 2  
22 explained in detail TYNDALL’s so-called “medical treatment,” and that  
23 although she did not know that TYNDALL’s conduct was, in fact, sexual  
24 abuse rather than legitimate medical treatment, JANE DOE 2 told Ms.  
25 Gilchrist that it made her so uncomfortable that she had to switch  
26 practitioners. Ms. Gilchrist took written notes of Plaintiff JANE DOE 2’s  
27 complaint, and assured Plaintiff JANE DOE 2 that she would report her  
28 complaints about TYNDALL. However, Plaintiff JANE DOE 2 was never  
given any indication, or reason to believe, that Ms. Gilchrist reported her  
complaint.
- f. Due to the fact that a medical chaperone employed by Defendant USC was  
present and observed each occasion that TYNDALL sexually abused  
Plaintiff JANE DOE 2, yet did not intervene, Plaintiff JANE DOE 2  
reasonably believed that TYNDALL’s treatment of her was a legitimate  
medical procedure, rather than sexual abuse. It was not until in or around  
May of 2018, when TYNDALL’s systematic sexual abuse of the young  
women of Defendant USC was nationally publicized, that JANE DOE 2  
learned that TYNDALL’s treatment of her was, in fact, sexual assault.

21 **FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS BY JANE DOE 3**

22 35. At all times material hereto, Plaintiff JANE DOE 3 was a graduate student and was  
23 under Defendants USC, TYNDALL’s, and DOES 1 through 500’s complete control, dominion,  
24 and supervision. Plaintiff JANE DOE 3 attended Defendant USC as an international student from  
25 approximately 2015 to 2016. TYNDALL worked for, was employed by, and/or an agent/servant  
26 of the Defendants USC and/or DOES 1 through 500, when TYNDALL came into contact with the  
27 Plaintiff JANE DOE 3.  
28



1           36. At all times material hereto, TYNDALL was under the direct supervision,  
2 management, agency and control of Defendants USC and DOES 1 through 500, inclusive.  
3 TYNDALL was a gynecological physician hired, employed, supervised, and retained by  
4 Defendant USC, and DOES 1 through 500. While a gynecological physician at Defendants,  
5 TYNDALL's employment duties included providing medical care to the female undergraduate  
6 and graduate students of Defendant USC. The purported care offered by TYNDALL included, but  
7 was not limited to, conducting gynecological examinations and providing reproductive health  
8 treatments to the female students of Defendants USC and DOES 1 through 500, which included  
9 Plaintiff JANE DOE 3. Plaintiff JANE DOE 3 was a graduate student of Defendant USC and  
10 DOES 1 through 500 and it is under these circumstances that Plaintiff JANE DOE 3 came to be  
11 under the direction and control of TYNDALL who used his position of authority and trust to molest  
12 and sexually abuse Plaintiff JANE DOE 3.

13           37. As a student of Defendants USC and DOES 1 through 500 while TYNDALL was  
14 a gynecological physician, Plaintiff JANE DOE 3 was under TYNDALL's direct supervision,  
15 control and care, which created a special, confidential, and fiduciary relationship between Plaintiff  
16 JANE DOE 3 and TYNDALL. Because of such relationship, TYNDALL owed Plaintiff a duty of  
17 care. Additionally, as the employers and supervisors of TYNDALL with knowledge that he was  
18 in contact with and providing medical care to young female students, Defendants USC and DOES  
19 1 through 500 were also in a special, confidential, and fiduciary relationship with Plaintiff JANE  
20 DOE 3, owing Plaintiff JANE DOE 3 a duty of care.

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

1           39. Plaintiff JANE DOE 3 is informed and believes, and on that basis alleges, that  
2 Defendants knew or should have known that TYNDALL had engaged in unlawful sexually-  
3 abusive conduct in the past, and/or was continuing to engage in such conduct. Defendants had a  
4 duty to disclose these facts to Plaintiff JANE DOE 3 and others, but negligently and/or  
5 intentionally suppressed, concealed or failed to disclose this information. The duty to disclose this  
6 information arose by the special, trusting, confidential, fiduciary relationship between Defendants  
7 and Plaintiff JANE DOE 3. Specifically, the Defendant USC knew that TYNDALL was groping,  
8 digitally penetrating, and otherwise sexually harassing young female students in isolation with  
9 those students, based on the following:

- 10           a. In or around 2015, Plaintiff JANE DOE 3 scheduled an appointment  
11 through Defendant USC's Student Health Center's online reservations  
12 portal, because she was experiencing symptoms of a vaginal infection.  
13 When Plaintiff JANE DOE 3 arrived at Defendant USC's Student Health  
14 Center, she was informed that TYNDALL would be her treating physician.  
15 At all times during the appointment, a chaperone employed by Defendant  
16 USC was present in the treatment room.
- 17           b. Immediately upon meeting Plaintiff JANE DOE 3, TYNDELL fixated on  
18 the fact that Plaintiff JANE DOE 3 is Chinese, and he told her that he had  
19 lots of Chinese patients because they were often referred to him by other  
20 doctors, for pelvic issues.
- 21           c. TYNDELL then ordered Plaintiff JANE DOE 3 to remove all of her clothes  
22 and to lay down on the treatment table, completely naked. Plaintiff now  
23 knows that TYNDELL did not force her to strip naked for any legitimate  
24 medical purposes, but rather to further his own prurient desires.
- 25           d. TYNDALL then proceeded to grope Plaintiff JANE DOE 3's breasts with  
26 ungloved hands, under the guise of performing a medical procedure.  
27 TYNDALL touched Plaintiff JANE DOE 3's bare breasts, even though she  
28 had not made an appointment for a full physical examination, but rather  
merely was seeking treatment for what she suspected was a vaginal  
infection. Plaintiff JANE DOE 3 now knows that TYNDALL groped her  
breasts purely for his own sexual gratification, and not for any medical  
purpose.
- e. TYNDALL then digitally penetrated Plaintiff JANE DOE 3's vagina by  
forcing two of his fingers inside of her, rather than using a medical device.  
Plaintiff JANE DOE 3 explicitly told TYNDALL that his digital penetration  
of her was causing her pain, and she asked him to please stop, but  
TYNDALL continued to sexually assault her. Plaintiff JANE DOE 3 now  
knows that TYNDALL's digital penetration of her was not a legitimate  
medical procedure, but an act of sexual assault for his own sexual  
gratification.
- f. Plaintiff JANE DOE 3 then asked TYNDALL to perform a pap smear test  
or a discharge test, as the purpose of her visit was to receive treatment for  
symptoms of a vaginal infection. TYNDALL refused to perform the  
procedure, stating that those procedures were not necessary. The fact that

1 TYNDALL refused to perform this legitimate, standard medical procedure  
2 on Plaintiff JANE DOE 3, even though she specifically requested it,  
3 illustrates that TYNDALL's aim was not to provide medical care to Plaintiff  
4 JANE DOE 3, but rather was to sexually abuse her for his own gratification.

- 5 g. TYNDALL's conduct made Plaintiff JANE DOE 3 feel pain and  
6 discomfort, however, in reliance upon the fact that TYNDALL was a USC-  
7 employed doctor and that there was a chaperone present in the treatment  
8 room during the appointment, Plaintiff JANE DOE 3 trusted that  
9 TYNDALL had provided her with legitimate medical treatment. It was not  
10 until May of 2018, when TYNDALL's sexual abuse was nationally  
11 publicized, that Plaintiff JANE DOE 3 learned that TYNDALL had  
12 sexually assaulted her.

13 **FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS BY JANE DOE 4**

14 40. At all times material hereto, Plaintiff JANE DOE 4 was a student at USC and was  
15 under Defendants USC, TYNDALL's, and DOES 1 through 500's complete control, dominion,  
16 and supervision. Plaintiff JANE DOE 4 attended Defendant USC as a student from approximately  
17 2013 to 2017. TYNDALL worked for, was employed by, and/or an agent/servant of the  
18 Defendants USC and/or DOES 1 through 500, when TYNDALL came into contact with the  
19 Plaintiff JANE DOE 4.

20 41. At all times material hereto, TYNDALL was under the direct supervision,  
21 management, agency and control of Defendants USC and DOES 1 through 500, inclusive.  
22 TYNDALL was a gynecological physician hired, employed, supervised, and retained by  
23 Defendant USC, and DOES 1 through 500. While a gynecological physician at Defendants,  
24 TYNDALL's employment duties included providing medical care to the female undergraduate  
25 and graduate students of Defendant USC. The purported care offered by TYNDALL included, but  
26 was not limited to, conducting gynecological examinations and providing reproductive health  
27 treatments to the female students of Defendants USC and DOES 1 through 500, which included  
28 Plaintiff JANE DOE 4. Plaintiff JANE DOE 4 was an undergraduate student of Defendant USC  
and DOES 1 through 500 and it is under these circumstances that Plaintiff JANE DOE 4 came to  
be under the direction and control of TYNDALL who used his position of authority and trust to  
molest and sexually abuse Plaintiff JANE DOE 4.

42. As a student of Defendants USC and DOES 1 through 500 while TYNDALL was  
a gynecological physician, Plaintiff JANE DOE 4 was under TYNDALL's direct supervision,

1 control and care, which created a special, confidential, and fiduciary relationship between Plaintiff  
2 JANE DOE 4 and TYNDALL. Because of such relationship, TYNDALL owed Plaintiff a duty of  
3 care. Additionally, as the employers and supervisors of TYNDALL with knowledge that he was  
4 in contact with and providing medical care to young female students, Defendants USC and DOES  
5 1 through 500 were also in a special, confidential, and fiduciary relationship with Plaintiff JANE  
6 DOE 4, owing Plaintiff JANE DOE 4 a duty of care.

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

15 44. Plaintiff JANE DOE 4 is informed and believes, and on that basis alleges, that  
16 Defendants knew or should have known that TYNDALL had engaged in unlawful sexually-  
17 abusive conduct in the past, and/or was continuing to engage in such conduct. Defendants had a  
18 duty to disclose these facts to Plaintiff JANE DOE 4 and others, but negligently and/or  
19 intentionally suppressed, concealed or failed to disclose this information. The duty to disclose this  
20 information arose by the special, trusting, confidential, fiduciary relationship between Defendants  
21 and Plaintiff JANE DOE 4. Specifically, the Defendant USC knew that TYNDALL was groping,  
22 digitally penetrating, and otherwise sexually harassing young female students in isolation with  
23 those students, based on the following:

- 24 a. In or around 2015, Plaintiff JANE DOE 4 scheduled an appointment  
25 through Defendant USC's Student Health Center because she was  
26 experiencing lower abdominal pain and thought she may have a bladder  
27 infection. When Plaintiff JANE DOE 4 arrived at Defendant USC's Student  
28 Health Center, she was informed that TYNDALL would be her treating  
physician.
- b. TYNDALL told Plaintiff JANE DOE 4 that he was going to take a vaginal culture  
and ordered her to remove her clothes and dress in a gown.. At or about this same

1 time, TYNDELL pointed out the framed picture of a young woman and stated that  
2 he was "sponsoring" that young woman while she attended business school.

- 3 c. While in the examination room, TYNDALL penetrated Plaintiff JANE  
4 DOE 4's vagina with his two fingers and thereafter penetrated her vagina  
5 with a medical device. TYNDALL directed Plaintiff JANE DOE 4 to return  
6 to his office, where he then claimed that he had forgotten to take the  
7 aforementioned vaginal culture. He directed her to again remove her  
8 clothes, dress in a gown, and return to the examination room.
- 9 d. Once in the examination room for the second time, TYNDALL again  
10 penetrated Plaintiff JANE DOE 4's vagina with his two fingers and  
11 thereafter penetrated her vagina with a medical device. Then, TYNDALL  
12 directed Plaintiff JANE DOE 4 to return to his office. Once in his office,  
13 he claimed that wanted to make sure that he obtained a sufficient culture so  
14 he again directed her to again remove her clothes, dress in a gown, and  
15 return to the examination room. He also suggested that he conduct a skin  
16 check on Plaintiff JANE DOE 4, even though Plaintiff JANE DOE 4 never  
17 raised any dermatological concerns.
- 18 e. Once in the examination room for the third time, TYNDALL again  
19 penetrated Plaintiff JANE DOE 4's vagina with his two fingers and  
20 thereafter penetrated her vagina with a medical device.
- 21 f. Then, under the guise of checking Plaintiff JANE DOE 4's skin, TYNDALL  
22 ordered Plaintiff JANE DOE 4 to remove all of her clothes. He then grazed  
23 his ungloved fingers over her the majority of her torso, including her  
24 breasts, and TYNDALL used his ungloved hands to spread Plaintiff JANE  
25 DOE 4's buttocks cheeks and leered at her crevice and anus. TYNALL did  
26 not examine various areas of Plaintiff JANE DOE 4 skin that are normally  
27 examined during a medically-appropriate dermatological check.
- 28 g. During the appointment, TYNDALL asked Plaintiff JANE DOE 4  
inappropriate, harassing, and intrusive questions about her sexuality, her  
sexual orientation, the number of sexual partners she had, her feelings about  
oral and anal sex, and even how much alcohol she drank. While he had his  
fingers inside of her vagina, he commented that her vagina was "pretty  
small."
- h. TYNDALL's conduct was witnessed by a USC-employed chaperone, who  
did nothing to intervene or to protect JANE DOE 4.
- i. JANE DOE 4 now knows that TYNDALL's digital penetration of her  
vagina and his spreading of her buttocks were not legitimate medical  
procedures and were, instead, acts of sexual assault for his own sexual  
gratification.
- j. In reliance upon the fact that TYNDALL was a USC-employed doctor and that  
there was a chaperone present while TYNDALL penetrated her vagina with his  
fingers and spread her buttocks cheeks, Plaintiff JANE DOE 4 trusted that  
TYNDALL had provided her with legitimate medical treatment. It was not until  
May of 2018, when TYNDALL's sexual abuse was nationally publicized, that  
Plaintiff JANE DOE 4 learned that TYNDALL had sexually assaulted her.

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

27 45. Plaintiffs are informed and believe, and on that basis allege, that while Plaintiffs  
28 were young female student of Defendants USC and DOES 1 through 500, Defendants engaged in

1 a pattern and practice of ignoring complaints, failing to investigate sexual harassment and abuse  
2 complaints, deliberately concealing information from abuse victims, and contributed to a sexually  
3 hostile environment on campus at Defendant USC.

4 46. It is upon information, and therefore belief, that Defendants USC and DOES 1  
5 through 500 had history and systemic problem in properly handling sexual harassment and sexual  
6 abuse allegations, contrary to their Federal mandates under Title IX. This pattern and practice was  
7 evidenced by, *inter alia*, the U.S. Department of Education’s 2013 investigation of Defendant  
8 USC’s handling of numerous rape cases, during which over 100 USC students came forward to  
9 complain of Defendant USC’s “gross mishandling” of those rape cases. Furthermore, Plaintiffs are  
10 informed and believe, and on that basis allege, that the numerous complaints lodged against  
11 TYNDALL that were actively concealed by Defendant USC illustrate that Defendant USC had –  
12 and continues to have – a culture of ignoring, minimizing and sanitizing complaints from sexual  
13 abuse victims. By Defendant USC’s own admission, in the course of its 2016 investigation of  
14 complaints against TYNDALL, “a review of files kept by Dr. Larry Neinstein, a former health  
15 center director from 1995-2014 (who is now deceased), showed earlier patient complaints about  
16 TYNDALL, including complaints about his clinical practice. The files contained eight complaints  
17 logged between 2000 and 2014 that were concerning.” Despite the fact that TYNDALL’s direct  
18 supervisor, Dr. Neinstein, possessed documented complaints against TYNDALL dating back to  
19 the year 2000, and the fact that those documented complaints were cited as evidence in Defendant  
20 USC’s 2016 investigation of TYNDALL, Defendant USC continued to allow TYNDALL to retain  
21 his position, thereby granting him unfettered sexual access to its young female students.

22 47. Plaintiffs are informed and believe, and on that basis allege, that Defendants knew,  
23 or should have known, of TYNDALL’s propensity and disposition to engage in sexual misconduct  
24 with young female patients before he sexually abused and molested Plaintiffs, and knew of the  
25 probability that he would molest student patients with whom he came into contact, including but  
26 not limited to Plaintiffs. Namely, by Defendant USC’s own admission, numerous documented  
27 complaints were lodged with Defendant USC regarding TYNDALL’s sexually abusive behavior,  
28 dating back to at least the year 2000. Moreover, Plaintiffs are informed and believe that, virtually

1 every time TYNDALL sexually abused a minor female student at Defendant USC's Student Health  
2 Clinic, a USC-employed chaperone was present, witnessing the sexual abuse yet doing nothing to  
3 intervene.

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

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

23 50. Because of the relationship between Plaintiffs and Defendants, Defendants had an  
24 obligation and duty under the law not to hide material facts and information about TYNDALL's  
25 past, and his deviant sexual behavior and propensities. Additionally, Defendants had an affirmative  
26 duty to inform, warn, and institute appropriate protective measures to safeguard patients who were  
27 reasonably likely to come in contact with TYNDALL. Defendants willfully refused to notify, give  
28

1 adequate warning and implement appropriate safeguards, thereby creating the peril that ultimately  
2 damaged Plaintiffs.

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

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



1 sexually abusive behavior for nearly thirty years, thereby exposing Plaintiffs to his sexual assault,  
2 harassment and molestation.

3 53. Plaintiffs are informed and believe, and on that basis allege, that as part of  
4 Defendants' conspiratorial and fraudulent attempt to hide TYNDALL's propensity to sexually  
5 abuse and molest young female students, and prior sexual misconduct with patients, from public  
6 scrutiny and criminal investigation, Defendants implemented various measures designed to make  
7 TYNDALL's conduct harder to detect and ensure that other patients and students with whom he  
8 came into contact, such as Plaintiffs, would be sexually abused, including:

- 9 a. Permitting TYNDALL to remain in a position of authority and trust after  
10 Defendants knew or should have known that he molested his young female patients;
- 11 b. Placing TYNDALL in a separate and secluded environment, at Defendant USC and  
12 DOES 1 through 500, which granted him unfettered access and control over patients  
13 even when he was purporting to conduct extremely sensitive gynecological  
14 treatment, thereby allowing TYNDALL to physically and sexually interact with the  
15 young female students of USC, including Plaintiffs;
- 16 c. Failing to disclose and actively concealing TYNDALL's prior record of  
17 misconduct, sexual abuse, harassment and molestation and his propensity to  
18 commit such acts towards students and patients in Defendants USC and DOES 1  
19 through 500's Student Health Center, from its students, the public at large, and law  
20 enforcement;
- 21 d. Allowing TYNDALL to have unfettered and un-controlled access to young female  
22 patients, including the Plaintiffs;
- 23 e. Holding out TYNDALL to Plaintiffs, other patients at Defendants USC and DOES  
24 1 through 500, the alumni members of the Trojan family, and the public at large as  
25 a trustworthy and honest person of high ethical and moral repute who was capable  
26 and worthy of being granted unsupervised access to the student patients of  
27 Defendants USC and DOES 1 through 500;
- 28 f. Failing to investigate or otherwise confirm or deny such facts about TYNDALL,  
including prior complaints, claims and investigations for sexual abuse;
- g. Failing to inform, and actively concealing from Plaintiffs and law enforcement  
officials the fact that Plaintiffs and others were or may have been sexually abused,  
harassed and molested, after Defendants knew or should have known TYNDALL  
may have sexually abused Plaintiffs or others, thereby enabling Plaintiffs to  
continue to be endangered and sexually abused, harassed, molested, and/or creating  
the circumstance where Plaintiffs and others were less likely to receive proper  
medical treatment, thus exacerbating the harm to Plaintiffs;
- h. Holding out TYNDALL to Plaintiffs and to the community as being in good  
standing and trustworthy;

- 1 i. Cloaking TYNDALL's prior sexual misconduct with student patients within the  
2 facade of normalcy, thereby disguising the nature of his sexual abuse and contact  
3 with young female patients;
- 4 j. Failing to take reasonable steps and to implement reasonable safeguards to avoid  
5 acts of unlawful sexual conduct by TYNDALL such as avoiding placement of  
6 TYNDALL in functions or environments in which his intimate contact with young  
7 female patients was inherent;
- 8 k. Failing to put in place a system or procedure to supervise or monitor physicians,  
9 chaperones, and agents to insure they do not molest or abuse patients in Defendants'  
10 care, and that they further report all reasonable suspicions of sexual assault and  
11 battery to law enforcement pursuant to *Penal Code* § 11160.

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

20 55. By his position within the Defendants' institutions, Defendants and TYNDALL  
21 demanded and required that Plaintiffs respect TYNDALL in his position as a gynecological  
22 physician for Defendant USC and DOES 1 through 500. In fact, Plaintiffs had no choice but to see  
23 TYNDALL, as he was the only full-time gynecologist employed by Defendant USC's Student  
24 Health Center.

25 56. The sexual harassment and abuse of Plaintiffs by TYNDALL, outlined below, took  
26 place while TYNDALL was a gynecological physician employed, retained, and supervised by  
27 Defendants USC, DOES 1 through 500, and Plaintiffs were students of Defendants USC and  
28 DOES 1 through 500, while TYNDALL was serving as an agent and employee of Defendants in  
his capacity as a physician and faculty member:

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

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- b. Plaintiffs were students of Defendants USC and DOES 1 through 500 in or around the 2003 to 2015. Thereafter, Plaintiffs came into contact with TYNDALL, Defendants' USC and DOES 1 through 500's physician and faculty member. Plaintiffs are informed and believe TYNDALL would use the guise of gynecological care and treatment to normalize intimate, inappropriate, and sexually abusive contact with Plaintiffs. During this period, Plaintiffs were patients under TYNDALL's direct supervision and control.
- c. Plaintiffs are informed and believe TYNDALL's physical and sexual abuse of Plaintiffs commenced in or around 2003 and continued through in or around 2015. During this period, Plaintiffs were students and patients under TYNDALL's, Defendants USC, and DOES 1 through 500's direct supervision and control. Using his position as a physician, TYNDALL would interact with Plaintiffs under the guise of providing them care and treatments necessary for their health and well-being. Under these circumstances, TYNDALL would, among other abusive acts, force Plaintiffs to strip naked, grope their bare breasts and digitally penetrate their vaginas, in the presence of other medical professional staff. Plaintiffs are informed and believe that TYNDALL's sexual abuse, molestation, and harassment of Plaintiffs occurred on the premises of Defendants USC and DOES 1 through 500.
- d. During these occurrences, TYNDALL groped, penetrated, and otherwise sexually abused Plaintiffs, under the guise of performing medical procedures, for TYNDALL's own sexual gratification. TYNDALL would have the Plaintiffs remove all of their clothes and lay on the treatment table naked. TYNDALL would then perform his acts of sexual abuse upon Plaintiffs, in front of another medical professionals employed as chaperones by Defendant USC.
- e. TYNDALL's sexual abuse and harassment of Plaintiffs was done for TYNDALL's personal sexual gratification, and it annoyed, disturbed, irritated, and offended Plaintiffs as it would have a reasonable person. Plaintiffs did not consent to the sexual abuse and harassment by TYNDALL.

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

58. During the period Plaintiffs were being sexually abused and harassed by TYNDALL, Defendants had the authority and ability to prevent such abuse by removing TYNDALL from his position as the gynecological physician at Defendants USC and DOES 1 through 500. They failed to do so, allowing the abuse to occur and to continue unabated. Plaintiffs are informed and believe, and on that basis allege, that this failure was a part of Defendants' conspiratorial plan and arrangement to conceal TYNDALL's wrongful acts, to avoid and inhibit detection, to block public disclosure, to avoid scandal, to avoid the disclosure of their tolerance of

1 student-patient sexual molestation and abuse, to preserve a false appearance of propriety, and to  
2 avoid investigation and action by public authority including law enforcement. Such actions were  
3 motivated by a desire to protect the reputation of Defendants and protect the monetary support of  
4 Defendants, while fostering an environment where such abuse could continue to occur.

5 59. As a direct result of the sexual harassment and abuse of Plaintiffs by TYNDALL,  
6 Plaintiffs have had difficulty in meaningfully interacting with others, including those in positions  
7 of authority over Plaintiffs including physicians, athletic supervisors, and superiors at work.  
8 Plaintiffs have been limited in their ability to meaningfully interact with others due to the trauma  
9 of this molestation and abuse. This inability to interact creates conflict with Plaintiffs' values of  
10 trust and confidence in others, and has caused Plaintiffs substantial emotional distress, anxiety,  
11 nervousness and fear. As a direct result of the sexual abuse and molestation by TYNDALL,  
12 Plaintiffs suffered immensely, including, but not limited to, encountering issues with a lack of  
13 trust, various negative psychological and emotional sequelae, depressive symptoms, eating  
14 disorders, anxiety, and nervousness.

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

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

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

- 4           • Duty of health care professionals to report reasonable suspicions of sexual abuse to  
5 law enforcement, pursuant to *Penal Code* § 11160;
- 6           • Duty to use reasonable care to protect participants and members from known or  
7 foreseeable dangers;
- 8           • Duty to enact policies and procedures that are not in contravention of the Federal  
9 Civil Rights Act, section 1983, Title IX, and the 14th amendment of the United States  
10 Constitution;
- 11           • Duty to protect participants and members and staff, and provide adequate supervision;
- 12           • Duty to ensure that any direction given to participants and members is lawful, and  
13 that adults act fairly, responsible and respectfully towards participants and members;
- 14           • Duty to properly train staff so that they are aware of their individual responsibility for  
15 creating and maintaining a safe environment;
- 16           • Duty to review the criminal history of applicants and current employees;
- 17           • Duty to provide diligent supervision over patients;
- 18           • Duty to act promptly and diligently and not ignore or minimize problems.
- 19           • Duty to report suspected incidents of sexual abuse.

20           63. Defendants and each of them had and have a duty to protect students and patients,  
21 including Plaintiffs. Defendants were required to, and failed, to provide adequate supervision,  
22 and failed to be properly vigilant in seeing that supervision was sufficient at Defendants USC  
23 and DOES 1 through 500 to ensure the safety of Plaintiffs and others.

24           64. Despite having a duty to do so, Defendants failed to adequately train and supervise  
25 all staff to create a positive and safe environment, specifically including training to perceive, report  
26 and stop inappropriate sexual conduct by other members of the staff, specifically including  
27 TYNDALL and young female students.

28           65. Defendants failed to enforce their own rules and regulations designed to protect the  
health and safety of its students and patients. Further, they failed to adopt and implement safety

1 measures, policies and procedures designed to protect patients, such as Plaintiffs from the sexually  
2 exploitive and abusive acts of their agents and employees such as TYNDALL.

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

### 22 **STATUTES OF LIMITATIONS**

23 67. Plaintiffs were each sexually abused by TYNDALL on Defendant USC's campus  
24 from in or around 2005 to in or around 2015, while Plaintiffs were students at Defendant USC.  
25 Each Plaintiff was sexually abused by TYNDALL while a chaperone employed by Defendant USC  
26 witnessed the abuse and did nothing to intervene, and Defendant USC actively concealed  
27 numerous complaints of TYNDALL's sexually abusive behavior in order to deceive Plaintiffs into  
28 believing that his sexual abuse was a legitimate medical treatment. Indeed, Plaintiff JANE DOE 2

1 once attempted to report TYNDALL's misconduct to another health care professional of  
2 Defendant USC, Ms. Gilchrist, yet was led to believe that her complaint was without merit,  
3 because no one from Defendant USC contacted Plaintiff JANE DOE 2 about her complaint, or  
4 otherwise took action against TYNDALL. Then, in or around June of 2017, Defendant USC paid  
5 TYNDALL a financial settlement in exchange for his quiet resignation, in order to continue to  
6 conceal TYNDALL's sexually abusive nature from the public and thereby insulate itself from civil  
7 liability. For all of the foregoing reasons, each Plaintiff's statute of limitations was equitably tolled  
8 and Defendants USC and Does 1 through 500 are equitably estopped from asserting the statute of  
9 limitations as a defense. Defendants USC's employees and DOES 1 through 500 acted wrongfully  
10 in ignoring and actively concealing myriad complaints of sexual misconduct lodged against  
11 TYNDALL, and further breached numerous mandatory duties owed to Plaintiffs by holding  
12 TYNDALL out as a safe, legitimate medical professional and failing to warn Plaintiffs of  
13 TYNDALL's proclivity to sexually abuse young female patients. Moreover, Plaintiffs were  
14 coerced into not talking about the abusive acts they endured by the threatening and coercive actions  
15 of Tyndall, who placed them under duress and imminent fear, and only came forward once the  
16 coercive nature of his acts subsided, due to Defendant USC's and the media's revelation of his  
17 pattern of misconduct and the subsequent police investigation allowing such victims, including  
18 Plaintiffs, to come forward without fear of retribution by Defendants USC and TYNDALL.

19 68. Furthermore, Plaintiffs were led to believe that TYNDALL's sexual abuse was not,  
20 in fact, sexual abuse, but rather was legitimate gynecological treatment, due to the fact that a USC-  
21 employed chaperone witnessed the sexual abuse yet did nothing to intervene. Plaintiffs were young  
22 women at the time they were sexually abused by TYNDALL, and for all three Plaintiffs, their  
23 appointments with TYNDALL were their first visits to a gynecologist, such that they had no prior  
24 experiences of legitimate gynecological examinations to compare TYNDALL's purported  
25 treatments to. Furthermore, Plaintiffs were not, and are not, medical professionals and have no  
26 specialized medical training, and thus did not and could not have reasonably discovered their abuse  
27 at an earlier date than they did. As such, they were blamelessly ignorant of the true facts related to  
28 their abuse until it was revealed in May of 2018, because it was not until May of 2018, when the

1 allegations of sexual misconduct against TYNDALL received national media attention and became  
2 public knowledge, that Plaintiffs knew or had reason to know that their claims against Defendants  
3 USC, TYNDALL and DOES 1 through 500 had accrued. Thus, the Plaintiffs' claims accrued in  
4 or around May of 2018.

5 **FIRST CAUSE OF ACTION**  
6 **VIOLATION OF UNRUH ACT (*CIVIL CODE* § 51)**  
7 **(Against Defendant TYNDALL, USC and DOES 1 through 500)**

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

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

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

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

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

28 74. The substantial motivating reason for Defendant USC's conduct of actively  
concealing numerous complaints of TYNDALL's sexually abusive nature was Plaintiffs' gender,



1 as Defendant USC knew that only its female students would seek gynecological treatment from  
2 TYNDALL and, thus, would be unwittingly subjected to his sexual assaults.

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

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

15 **SECOND CAUSE OF ACTION**  
16 **BANE ACT (CIVIL CODE §52.1)**  
17 **(Against Defendants TYNDALL, USC and DOES 1 through 500)**

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

20 78. Defendants' actions, as alleged herein, have had and will continue to interfere with  
21 Plaintiffs' right to be free from gender discrimination in the form of sexual harassment in the  
22 educational and collegiate athletic setting, codified under 20 U.S.C. §1681. Furthermore, the  
23 Plaintiffs had a right to have Defendant USC respond immediately and investigate her sexual  
24 assault, molestation and harassment by TYNDALL.

25 79. During Plaintiffs' time as students at Defendant USC, Defendants engaged in  
26 oppressive and unlawful tactics in ignoring, concealing, and ultimately suppressing the Plaintiffs'  
27 complaints of being sexually abused by TYNDALL. Plaintiffs were threatened, intimidated and  
28 coerced for reporting TYNDALL's sexually abusive conduct, by TYNDALL's own intimidating  
and humiliating conduct, as well as the conspiratorial silence and inaction of Defendant USC's

1 chaperones. These intentional acts of concealment of TYNDALL's abusive behavior violated the  
2 Plaintiffs' right to be free from discrimination on the basis of her gender, under Title IX.

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

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

12 82. Defendants unlawfully and wrongfully used, or employed others to wrongfully use  
13 threats, intimidation, harassment, violence, and coercion over Plaintiffs' person, to which  
14 Plaintiffs had no relief except to submit to the Defendants' wrongful threats, intimidation,  
15 harassment, violence, and coercion, which rendered Plaintiffs' submission involuntary.

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

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

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

10 **THIRD CAUSE OF ACTION**  
11 **SEXUAL ABUSE AND HARASSMENT IN THE EDUCATIONAL SETTING**  
12 **(EDUCATION CODE §220)**  
13 **(Against Defendants TYNDALL, USC and DOES 1 through 500)**

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

16 87. Plaintiffs were harmed by being subjected to sexual abuse, harassment and  
17 molestation at Defendants USC and DOES 1 through 500 because of the Plaintiffs' gender and  
18 Defendants are responsible for that harm.

19 88. The Plaintiffs suffered harassment that was so severe, pervasive, and offensive that  
20 it effectively deprived Plaintiffs of the right of equal access to educational benefits and  
21 opportunities.

22 89. Defendants had actual knowledge that this sexual harassment, abuse, and  
23 molestation was occurring. Specifically, Defendant USC, by and through its employees, witnessed  
24 TYNDALL's abuse firsthand, as it was witnessed by multiple USC-employed chaperones. Further,  
25 Defendant USC received, and then actively suppressed and ignored, numerous complaints of  
26 TYNDALL's sexual abuse, dating back to at least the year 2000.

27 90. In the face of this knowledge of sexual abuse, harassment, and molestation that was  
28 being perpetrated upon the Plaintiffs, by TYNDALL, Defendants acted with deliberate  
indifference towards responding to these alarms and preventing further abuse. Defendants allowed

1 TYNDALL to remain as a physician at Defendants USC and DOES 1 through 500, to sexually  
2 harass, abuse and molest other patients. It was not until June of 2017 that Defendants allowed  
3 TYNDALL to resign, with a monetary settlement, that TYNDALL's sexual abuse of young female  
4 students of Defendant USC finally abated.

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

12 92. In subjecting the Plaintiffs to the wrongful treatment herein described, Defendants  
13 USC, TYNDALL and DOES 1 through 500, acted willfully and maliciously with the intent to  
14 harm Plaintiffs, and in conscious disregard of Plaintiffs' rights, so as to constitute malice and  
15 oppression under California Civil Code section 3294. Plaintiffs are therefore entitled to the  
16 recovery of punitive damages, in an amount to be determined by the court, against TYNDALL,  
17 USC and DOES 1 through 500, in a sum to be shown according to proof.

18 **FOURTH CAUSE OF ACTION**  
19 **TITLE IX (20 U.S.C. §1681)**  
20 **(Against Defendants USC and DOES 1 through 500)**

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

23 94. The Plaintiffs were subjected to sexual harassment, abuse and molestation by  
24 TYNDALL, as young students and medical patients at Defendants' institution.

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

27 96. Defendant USC, with authority to institute corrective measures, had actual notice  
28 that TYNDALL posed a substantial risk of sexual abuse, harassment and molestation to the young  
female student-patients who sought treatment through Defendant USC's Student Health Clinic.

1 Specifically, Defendant USC received numerous complaints of TYNDALL's sexual abuse, yet  
2 allowed such sexual abuse to continue unabated.

3 97. Defendant USC and DOES 1 through 500 were deliberately indifferent to the  
4 substantial risk of sexual abuse, harassment, and molestation posed to student-patients who came  
5 into contact with TYNDALL at Defendants USC and DOES 1 through 500. After receiving actual  
6 notice of the Plaintiffs' complaints of being sexually abused by TYNDALL, Defendants USC and  
7 DOES 1 through 500, through their employees, agents, and servants, ignored the sexual abuse that  
8 TYNDALL inflicted on Plaintiffs and allowed him to continue treating young female students. It  
9 was this conduct that constitutes willful indifference towards the Plaintiffs and other similarly  
10 situated student-patients who would be subjected to TYNDALL's unfettered sexual misconduct.

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

18 99. In subjecting the Plaintiffs to the wrongful treatment herein described, Defendants  
19 USC, TYNDALL, and DOES 1 through 500, acted willfully and maliciously with the intent to  
20 harm Plaintiffs, and in conscious disregard of Plaintiffs' rights, so as to constitute malice and  
21 oppression under California *Civil Code* section 3294. Plaintiffs are therefore entitled to the  
22 recovery of punitive damages, in an amount to be determined by the court, against TYNDALL,  
23 USC and DOES 1 through 500, in a sum to be shown according to proof. Furthermore, the  
24 Plaintiffs request the award of attorneys' fees pursuant to 42 U.S.C. § 1988.

25 **FIFTH CAUSE OF ACTION**  
26 **GENDER VIOLENCE**  
**(Against Defendant TYNDALL)**

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

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

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

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

16                            **SIXTH CAUSE OF ACTION**  
17                            **SEXUAL HARASSMENT (*CIVIL CODE* §51.9)**  
18                            **(Against Defendants USC and DOES 1 through 500)**

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

21            105. During Plaintiffs' time as students at Defendants USC and DOES 1 through 500,  
22 TYNDALL intentionally, recklessly and wantonly made sexual advances, solicitations, requests,  
23 demands for sexual compliance of a hostile nature based on Plaintiffs' gender that were  
24 unwelcome, pervasive and severe, including but not limited to TYNDALL groping and fondling  
25 the Plaintiffs' breasts and vagina, all under the supervision of Defendants, who were acting in the  
26 course and scope of their agency with Defendants and each of them.

27            106. The incidents of abuse outlined herein above took place while Plaintiffs were under  
28 the control of TYNDALL and Defendants USC and DOES 1 through 500, in their capacity and

1 position as supervisors of physicians, medical professionals, and staff at Defendants USC and  
2 DOES 1 through 500, and while acting specifically on behalf of Defendants.

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

7 108. Because of Plaintiffs' relationships with TYNDALL and Defendants USC and  
8 DOES 1 through 500, TYNDALL's status as the only full-time gynecologist employed by  
9 Defendant USC's Student Health Center, and Plaintiffs' young age as students of Defendant USC,  
10 Plaintiffs were unable to easily terminate the relationship they had with the Defendants.

11 109. Because of TYNDALL's age and position of authority, physical seclusion of the  
12 Plaintiffs, Plaintiffs' mental and emotional state, and Plaintiffs' young age, Plaintiffs were unable  
13 to, and did not and could not, give consent to such acts.

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

17 111. Because of Plaintiffs' relationships with Defendants, as a student-patients of  
18 Defendants, and Plaintiffs' young age, Plaintiffs were unable to easily terminate the doctor-patient  
19 relationship they had with Defendants.

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

26 113. Defendants' conduct (and the conduct of their agents) was a breach of their duties  
27 to Plaintiffs.

28

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

8 **SEVENTH CAUSE OF ACTION**  
9 **SEXUAL ASSAULT**  
10 **(Against Defendant TYNDALL)**

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

13 116. TYNDALL, in doing the things herein alleged, including intending to subject  
14 Plaintiffs to numerous instances of sexual abuse and molestation during Plaintiffs' time with  
15 Defendants USC and DOES 1 through 500, beginning on or around 2005, and lasting for the  
16 duration of Plaintiffs' tenure with these Defendants, in or around 2015, including but not limited  
17 to instances of TYNDALL groping and fondling the Plaintiff's vagina, all while TYNDALL acted  
18 in the course and scope of his agency/employment with Defendants, and each of them and were  
19 intended to cause harmful or offensive contact with Plaintiffs' persons, or intended to put Plaintiffs  
20 in imminent apprehension of such contact.

21 117. In doing the things herein alleged, Plaintiffs were put in imminent apprehension of  
22 a harmful or offensive contact by TYNDALL and actually believed TYNDALL had the ability to  
23 make harmful or offensive contact with Plaintiffs' person.

24 118. Plaintiffs did not consent to TYNDALL intended harmful or offensive contact with  
25 Plaintiffs' persons, or intent to put Plaintiffs in imminent apprehension of such contact.

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





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

3 125. Because of TYNDALL's position of authority over Plaintiffs, and Plaintiffs'  
4 mental and emotional state, and Plaintiffs' young age, Plaintiffs did not give meaningful consent  
5 to such acts.

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

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

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

24 **NINTH CAUSE OF ACTION**  
25 **UNFAIR BUSINESS PRACTICES (*BUSINESS & PROFESSIONS CODE* §17200)**  
26 **(Against Defendants USC, TYNDALL and DOES 1 through 500)**

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

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

131. Plaintiffs are informed and believes that Defendants engaged in a common scheme, arrangement or plan to actively conceal allegations against sexual abusers who were employees, agents, members, and/or participants at Defendants USC and DOES 1 through 500, including TYNDALL, such that Defendants USC and DOES 1 through 500 could maintain their public image, and avoid detection of such abuse and abusers. Plaintiffs are informed and believe and thereon allege that Defendants actively concealed these allegations, such that Defendants would be insulated from public scrutiny, governmental oversight, and/or investigation from various law enforcement agencies, all done in order to maintain the false sense of safety for participants and their families and to perpetuate the program financially.

132. By engaging in unlawful, unfair and deceptive business practices, TYNDALL and Defendants USC and DOES 1 through 500 benefitted financially to the detriment of its competitors, who had to comply with the law.

1 133. Unless restrained, Defendants USC and DOES 1 through 500 will continue to  
2 engage in the unfair acts and business practices described above, resulting in great and irreparable  
3 harm to Plaintiffs and/or other similarly situated participants and members.

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

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

16 **TENTH CAUSE OF ACTION**  
17 **INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS**  
18 **(Against Defendants USC, TYNDALL and DOES 1 through 500)**

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

21 137. Defendants TYNDALL, USC and DOES 1 through 500's conduct toward  
22 Plaintiffs, as described herein, was outrageous and extreme.

23 138. A reasonable person would not expect or tolerate the sexual harassment,  
24 molestation and abuse of Plaintiffs by TYNDALL, and Defendants' knowledge and callous  
25 indifference thereof. Plaintiffs had great trust, faith and confidence in Defendants, which, by  
26 virtue of TYNDALL and Defendants' wrongful conduct, turned to fear.

27 139. A reasonable person would not expect or tolerate Defendants putting TYNDALL  
28 who was known to Defendants to have physically and sexually abused other student-patients, in a  
position of care of Plaintiffs and other patients, which enabled TYNDALL to have access to other

1 patients so that he could commit wrongful sexual acts, including the conduct described herein,  
2 with young female students, including Plaintiffs. Plaintiffs had great trust, faith and confidence in  
3 Defendants, which, by virtue of Defendants' wrongful conduct, turned to fear.

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

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

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

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

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28 //

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**ELEVENTH CAUSE OF ACTION**  
**CONSTRUCTIVE FRAUD**

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

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

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

8 146. By holding themselves out as a preeminent collegiate facility, thereby enticing  
9 Plaintiffs to attend Defendant USC as undergraduate and graduate students, Defendants entered  
10 into a confidential, fiduciary and special relationship with Plaintiffs.

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

17 148. By virtue of their confidential, fiduciary and special relationship with Plaintiffs,  
18 Defendants owed Plaintiffs a duty to:

- 19 a. Investigate or otherwise confirm or deny such claims of sexual abuse;
- 20 b. Reveal such facts to Plaintiffs, the community at large, and law enforcement  
21 agencies;
- 22 c. Refuse to place TYNDALL and other molesters in positions of trust and authority  
23 within Defendants' institutions;
- 24 d. Refuse to hold out TYNDALL and other molesters to the public, the community,  
25 parents and law enforcement agencies as being in good standing and, trustworthy  
26 in keeping with him and his position as a physician, faculty member and authority  
27 figure;
- 28 e. Refuse to assign TYNDALL and other molesters to positions of power within  
Defendants USC and DOES 1 through 500, and over young students; and
- f. Disclose to Plaintiffs, the public, the school community, and law enforcement  
agencies the wrongful, tortious, and sexually exploitive acts that TYNDALL had  
engaged in with patients.

- 1 149. Defendants' breach of their respective duties included:
- 2 a. Not making reasonable investigations of TYNDALL;
- 3 b. Issuing no warnings about TYNDALL;
- 4 c. Permitting TYNDALL to routinely be supervised only by untrained chaperones,  
5 who were consistently derelict in their duty to report TYNDALL's sexual abuse  
6 to law enforcement;
- 7 d. Not adopting a policy to prevent TYNDALL from routinely having patients and  
8 students in his unsupervised control;
- 9 e. Making no reports of any allegations of TYNDALL's abuse of students prior to  
10 or during his employment and/or agency at Defendants USC and DOES 1  
11 through 500; and
- 12 f. Assigning and continuing to assign TYNDALL to duties which placed him in  
13 positions of authority and trust over other student-patients, positions in which  
14 TYNDALL could easily isolate and sexually abuse other student-patients.
- 15 150. At the time that Defendants engaged in such suppression and concealment of acts,  
16 such acts were done for the purpose of causing Plaintiffs to forbear on their rights.
- 17 151. Defendants' misconduct did reasonably cause Plaintiffs to forbear on Plaintiffs'  
18 rights.
- 19 152. The misrepresentations, suppressions and concealment of facts by Defendants were  
20 intended to and were likely to mislead Plaintiffs and others to believe that Defendants had no  
21 knowledge of any charges against TYNDALL, or that there were no other charges of unlawful or  
22 sexual misconduct against TYNDALL or others and that there was no need for them to take further  
23 action or precaution.
- 24 153. The misrepresentations, suppressions and concealment of facts by Defendants was  
25 likely to mislead Plaintiffs and others to believe that Defendants had no knowledge of the fact that  
26 TYNDALL was a molester, and was known to commit wrongful sexual acts with student-patients,  
27 including Plaintiffs.
- 28 154. Defendants knew or should have known at the time they suppressed and concealed  
the true facts regarding others' sexual molestations, that the resulting impressions were misleading.
155. Defendants suppressed and concealed the true facts regarding TYNDALL with the  
purpose of: preventing Plaintiffs and others, from learning that TYNDALL and others had been

1 and were continuing to sexually harass, molest and abuse patients, TYNDALL and Defendants'  
2 control, direction, and guidance, with complete impunity; inducing people, including Plaintiffs and  
3 other benefactors and donors to participate and financially support Defendants' program and other  
4 enterprises of Defendants; preventing further reports and outside investigations into TYNDALL  
5 and Defendants' conduct; preventing discovery of Defendants' own conduct; avoiding damage to  
6 the reputations of Defendants; protecting Defendants' power and status in the community and the  
7 gymnastics community; avoiding damage to the reputation of Defendants, or Defendants'  
8 institutions; and avoiding the civil and criminal liability of Defendants, of TYNDALL, and of  
9 others.

10 156. At all times mentioned herein, Defendants, and in particular Defendants  
11 TYNDALL, USC and DOES 1 and DOES 1 through 500, with knowledge of the tortious nature  
12 of their own and TYNDALL conduct, knowingly conspired and gave each other substantial  
13 assistance to perpetrate the misrepresentations, fraud and deceit alleged herein—covering up the  
14 past allegations of sexual misconduct lodged against TYNDALL, and allowing TYNDALL to  
15 remain in his position as a physician, faculty member and doctor, so they could maintain their  
16 reputations and continue with their positions within the organization.

17 157. Plaintiffs and others were misled by Defendants' suppressions and concealment of  
18 facts, and in reliance thereon, were induced to act or induced not to act, exactly as intended by  
19 Defendants. Specifically, Plaintiffs were induced to believe that there were no allegations of  
20 criminal or sexual abuse against TYNDALL and that he was safe to be around patients. Had  
21 Plaintiffs, and others, known the true facts about TYNDALL, they would have not participated  
22 further in activities of Defendants, or continued to financially support Defendants' activities. They  
23 would have reported the matters to the proper authorities, to other patients so as to prevent future  
24 recurrences; they would not have allowed their children, including Plaintiffs, to be alone with, or  
25 have any relationship with TYNDALL; they would not have allowed young female students,  
26 including Plaintiffs, to attend or be under the control of Defendants; they would have undertaken  
27 their own investigations which would have led to discovery of the true facts; and they would have  
28



1 sought psychological counseling for Plaintiffs, and for other student-patients, who had been abused  
2 by TYNDALL.

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

6 159. When Defendants made these affirmative or implied representations and non-  
7 disclosures of material facts, Defendants knew or should have known that the facts were otherwise.  
8 Defendants knowingly and intentionally suppressed the material facts that TYNDALL, had on  
9 numerous, prior occasions sexually, physically, and mentally abused patients of Defendants,  
10 including Plaintiffs, and knew of or learned of conduct, or should have known of conduct by  
11 TYNDALL which placed Defendants on notice that TYNDALL had previously been suspected of  
12 felonies, including unlawful sexual conduct with patients, and was likely sexually abusing student-  
13 patients in his care.

14 160. Because of Plaintiffs' young age, and because of the status of TYNDALL as a  
15 trusted, authority figure to Plaintiffs, Plaintiffs were vulnerable to TYNDALL. TYNDALL sought  
16 Plaintiffs out, and was empowered by and accepted Plaintiffs' vulnerability. Plaintiffs'  
17 vulnerability also prevented Plaintiffs from effectively protecting themselves from the sexual  
18 advances of TYNDALL.

19 161. Defendants had the duty to obtain and disclose information relating to sexual  
20 misconduct of TYNDALL.

21 162. Defendants misrepresented, concealed or failed to disclose information relating to  
22 sexual misconduct of TYNDALL.

23 163. Defendants knew that they had misrepresented, concealed or failed to disclose  
24 information related to sexual misconduct of TYNDALL.

25 164. Plaintiffs justifiably relied upon Defendants for information relating to sexual  
26 misconduct of TYNDALL.

27 165. Defendants TYNDALL, USC and DOES 1, and DOES 1 through 500, in concert  
28 with each other and with the intent to conceal and defraud, conspired and came to a meeting of the

1 minds whereby they would misrepresent, conceal or fail to disclose information relating to the  
2 sexual misconduct of TYNDALL, the inability of Defendants to supervise or stop TYNDALL  
3 from sexually harassing, molesting and abusing Plaintiffs, and their own failure to properly  
4 investigate, supervise and monitor his conduct with patients.

5 166. By so concealing, Defendants committed at least one act in furtherance of the  
6 conspiracy.

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

14 168. In addition, when Plaintiffs finally discovered the fraud of Defendants, and  
15 continuing thereafter, Plaintiffs experienced recurrences of the above-described injuries. Plaintiffs  
16 experienced extreme and severe mental anguish and emotional distress that Plaintiffs had been the  
17 victim of Defendants' fraud; that Plaintiffs had not been able to help other young female patients  
18 to avoid being molested because of the fraud, and that Plaintiffs had not been able because of the  
19 fraud to receive timely medical treatment needed to deal with the problems Plaintiffs had suffered  
20 and continues to suffer as a result of the sexual harassment, molestation and abuse.

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

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**TWELFTH CAUSE OF ACTION**  
**NEGLIGENCE**  
**(Against Defendants USC and DOES 1 through 500)**

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

5 171. Prior to and after the first incident of TYNDALL's sexual harassment, molestation  
6 and abuse of Plaintiffs, through the present, Defendants, knew and/or should have known that  
7 TYNDALL had and was capable of sexually, physically, and mentally abusing and harassing  
8 Plaintiffs or other victims.

9 172. Defendants and each of them had special duties to protect the Plaintiffs and the  
10 young patients, when such individuals were entrusted to Defendants' care. Plaintiffs' care, welfare  
11 and physical custody was entrusted to Defendants. Defendants voluntarily accepted the entrusted  
12 care of Plaintiffs. As such, Defendants owed Plaintiffs, young student- patients, a special duty of  
13 care that adults and medical professionals dealing with vulnerable medical patients and young  
14 students, owe to protect them from harm. The duty to protect and warn arose from the special,  
15 trusting, confidential, and fiduciary relationship between Defendants and Plaintiffs.

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

22 174. Defendants breached their duties to Plaintiffs by failing to investigate or otherwise  
23 confirm or deny such facts of sexual abuse by TYNDALL, failing to reveal such facts to Plaintiffs,  
24 the community and law enforcement agencies, and by placing TYNDALL into a position of trust  
25 and authority, holding him out to Plaintiffs and the public as being in good standing and  
26 trustworthy.

27 175. Defendants breached their duty to Plaintiffs by failing to adequately monitor and  
28 supervise TYNDALL and failing to prevent TYNDALL from committing wrongful sexual acts

1 with medical patients, including Plaintiffs. Defendants' voluminous past records of sexual  
2 misconduct by TYNDALL caused Defendants to know, or gave them information where they  
3 should have known, of TYNDALL's incapacity to serve as a team physician, physician, and  
4 faculty member at Defendants' institutions, providing for the physical care of young females.

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

12 **THIRTEENTH CAUSE OF ACTION**  
13 **NEGLIGENT SUPERVISION**  
14 **(Against Defendants USC and DOES 1 through 500)**

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

17 178. By virtue of Plaintiffs' special relationships with Defendants, and Defendants'  
18 relation to TYNDALL, Defendants owed Plaintiffs a duty to provide reasonable supervision of  
19 TYNDALL, to use reasonable care in investigating TYNDALL background, and to provide  
20 adequate warning to Plaintiffs and other patients of TYNDALL dangerous propensities and  
21 unfitness. As organizations and individuals responsible for, and entrusted with, the welfare of  
22 patients, Defendants USC and DOES 1 through 500 had a duty to protect, supervise, and monitor  
23 both the Plaintiffs from being preyed upon by sexual predators, and to supervise and monitor  
24 TYNDALL such that he would not be placed in seclusion with vulnerable medical patients,  
including the Plaintiffs.

25 179. As representatives of Defendants USC and DOES 1 through 500, where many of  
26 the patients thereof are vulnerable young women entrusted to these Defendants, these Defendants'  
27 agents expressly and implicitly represented that team physicians, faculty and staff, including  
28

1 TYNDALL, were not a sexual threat to those individuals and others who would fall under  
2 TYNDALL influence, control, direction, and care.

3 180. Defendants, by and through their respective agents, servants and employees, knew  
4 or should have known of TYNDALL dangerous and exploitive propensities and that TYNDALL  
5 was an unfit agent. Despite such knowledge, Defendants negligently failed to supervise  
6 TYNDALL in his position of trust and authority as a team physician, physician, faculty member  
7 and authority figure over patients and young women, where he was able to commit wrongful acts  
8 of sexual misconduct against Plaintiffs. Defendants failed to provide reasonable supervision of  
9 TYNDALL, failed to use reasonable care in investigating TYNDALL, and failed to provide  
10 adequate warning to Plaintiffs of TYNDALL dangerous propensities and unfitness. Defendants  
11 further failed to take reasonable steps to ensure the safety of patients, including Plaintiffs, from  
12 sexual harassment, molestation, and abuse.

13 181. At no time during the periods of time alleged did Defendants have in place a  
14 reasonable system or procedure to investigate, supervise and monitor the team physician,  
15 physician, faculty member or staff, including TYNDALL, to prevent pre-sexual grooming and  
16 sexual harassment, molestation and abuse of those individuals, nor did they implement a system  
17 or procedure to oversee or monitor conduct toward patients and others in Defendants' care.

18 182. Defendants were aware or should have been aware of how vulnerable medical  
19 patients were to sexual harassment, molestation and abuse by physicians, team doctors, faculty  
20 members and other persons of authority within Defendants' entities.

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

27 184. Defendants were placed on actual or constructive notice that TYNDALL had  
28 molested other student-patients during his employment with Defendants. Defendants were

1 informed of molestations of patients committed by TYNDALL prior to Plaintiffs' sexual abuse,  
2 and of conduct by TYNDALL that would put a reasonable person on notice of such propensity to  
3 molest and abuse young female students.

4 185. Even though Defendants knew or should have known of these illicit sexual  
5 activities by TYNDALL, Defendants did not reasonably investigate, supervise or monitor  
6 TYNDALL to ensure the safety of the patients.

7 186. Defendants' conduct was a breach of their duties to Plaintiffs.

8 187. Defendants, and each of them, breached their duty to Plaintiffs by, *inter alia*, by  
9 failing to adequately monitor and supervise TYNDALL and stop TYNDALL from committing  
10 wrongful sexual acts with student-patients, including Plaintiffs.

11 188. 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 emotional  
13 distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss of  
14 enjoyment of life; have suffered and continue to suffer and were prevented and will continue to be  
15 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 **NEGLIGENCE PER SE-CONDUCT IN VIOLATION OF MANDATED**  
19 **REPORTING LAWS**

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

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

28

1            191. Defendants knew, or should have known, in the exercise of reasonable diligence,  
2 that an undue risk to patients, including Plaintiffs, existed because Defendants did not comply with  
3 mandatory reporting requirements.

4            192. By failing to report the continuing molestations and abuse by TYNDALL, which  
5 Defendants knew or should have known about, and by ignoring the fulfillment of the mandated  
6 compliance with the reporting requirements, Defendants created the risk and danger contemplated  
7 by the applicable mandated reporting laws, and as a result, unreasonably and wrongfully exposed  
8 Plaintiffs and other patients to sexual molestation and abuse.

9            193. Plaintiffs were members of the class of persons for whose protection applicable  
10 mandated reporting laws were specifically adopted to protect.

11            194. Had Defendants adequately reported the molestation of Plaintiffs and other  
12 patients, as required by applicable mandated reporting laws, further harm to Plaintiffs and other  
13 individuals would have been avoided.

14            195. As a proximate result of Defendants' failure to follow the mandatory reporting  
15 requirements, Defendants wrongfully denied Plaintiffs and other minors the intervention of law  
16 enforcement and the appropriate authorities. Such public agencies would have changed the then-  
17 existing arrangements and conditions that provided the access and opportunities for the  
18 molestation of Plaintiffs by TYNDALL.

19            196. The physical, mental, and emotional damages and injuries resulting from the sexual  
20 molestation of Plaintiffs by TYNDALL, were the type of occurrence and injuries that the  
21 applicable mandated reporting laws were designed to prevent.

22            197. As a result, Defendants' failure to comply with the mandatory reporting  
23 requirements constituted a per se breach of Defendants' duties to Plaintiffs.

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

27            199. As a result of the above-described conduct, Plaintiffs have suffered and continue to  
28 suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional

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

6 **FOURTEENTH CAUSE OF ACTION**  
7 **NEGLIGENT HIRING/RETENTION**  
8 **(Against Defendants USC and DOES 1 through 500)**

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

11 201. By virtue of Plaintiffs' special relationship with Defendants, and Defendants'  
12 relation to TYNDALL, Defendants owed Plaintiffs a duty to not hire or retain, given his dangerous  
13 and exploitive propensities, which Defendants knew or should have known about had they engaged  
14 in a reasonable, meaningful and adequate investigation of her background prior to his hiring or  
15 retaining her in subsequent positions of employment.

16 202. Defendants expressly and implicitly represented that the team staff, physicians,  
17 trainers, faculty members, and team physicians, including TYNDALL, were not a sexual threat to  
18 student-patients and others who would fall under TYNDALL influence, control, direction, and  
19 guidance.

20 203. At no time during the periods of time alleged did Defendants have in place a  
21 reasonable system or procedure to investigate, supervise and monitor its Student Health Center  
22 physicians and healthcare professionals, including TYNDALL, to prevent pre-sexual grooming or  
23 sexual harassment, molestation and abuse of student-patients nor did they implement a system or  
24 procedure to oversee or monitor conduct toward student-patients and/or others in Defendants' care.

25 204. Defendants were aware or should have been aware and understand how vulnerable  
26 young female students were to sexual harassment, molestation and abuse by faculty members,  
27 physicians, and other persons of authority within the control of Defendants prior to Plaintiffs'  
28 sexual abuse by TYNDALL.



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

7 206. Defendants were placed on actual or constructive notice that TYNDALL had  
8 molested or was molesting patients, both before his employment within Defendants, and during  
9 that employment. Defendants had knowledge of inappropriate conduct and molestations  
10 committed by TYNDALL before and during his employment, yet chose to allow him to remain  
11 unsupervised where he sexually abused Plaintiffs.

12 207. Even though Defendants knew or should have known of these sexually illicit  
13 activities by TYNDALL, Defendants failed to use reasonable care in investigating TYNDALL and  
14 did nothing to reasonably investigate, supervise or monitor TYNDALL to ensure the safety of the  
15 patients.

16 208. Defendants' conduct was a breach of their duties to Plaintiffs.

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

24 **FIFTEENTH CAUSE OF ACTION**  
25 **NEGLIGENT FAILURE TO WARN, TRAIN, or EDUCATE**  
26 **(Against Defendants USC and DOES 1 through 500)**

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

1           211. Defendants owed Plaintiffs a duty to take reasonable protective measures to protect  
2 Plaintiffs and other student-patients from the risk of sexual harassment, molestation and abuse by  
3 TYNDALL by properly warning, training or educating Plaintiffs and other about how to avoid  
4 such a risk.

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

9           213. Defendants breached their duty to take reasonable protective measures to protect  
10 Plaintiffs and other patients from the risk of sexual harassment, molestation and abuse by  
11 TYNDALL, by failing to supervise and stop employees of Defendants, including TYNDALL,  
12 from committing wrongful sexual acts with student-patients, including Plaintiffs.

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

20           **WHEREFORE**, Plaintiffs pray for a jury trial and for judgment against Defendants as  
21 follows:

22                                   **FOR ALL CAUSES OF ACTION**

- 23           1. For past, present and future non-economic damages in an amount to be  
24 determined at trial;
- 25           2. For past, present and future special damages, including but not limited to past,  
26 present and future lost earnings, economic damages and others, in an amount to be determined at  
27 trial;
- 28           3. Any appropriate statutory damages;

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- 1           4.     For costs of suit;
- 2           6.     Punitive damages, according to proof, though not as to the Negligence Causes of
- 3     Action (Causes of Action 12 through 16);
- 4           7.     For interest based on damages, as well as pre-judgment and post-judgment
- 5     interest as allowed by law;
- 6           8.     For attorney's fees pursuant to California *Code of Civil Procedure* sections
- 7     1021.5, *et seq.*, 52, *et seq.*, 51, *et seq.*, 42 U.S.C. § 1988 or as otherwise allowable by law;
- 8           9.     For declaratory and injunctive relief, including but not limited to court
- 9     supervision of Defendant USC; and
- 10          10.    For such other and further relief as the Court may deem proper.


11

12     Dated: May 21, 2018

MANLY, STEWART & FINALDI

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14

15     By:  \_\_\_\_\_

16           JOHN C. MANLY, Esq.

17           Attorneys for Plaintiffs JANE DOE 1, JANE

18           DOE 2, JANE DOE 3, and JANE DOE 4

**DEMAND FOR JURY TRIAL**

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Plaintiffs JANE DOE 1, JANE DOE 2, JANE DOE 3, and JANE DOE 4, hereby demand  
a trial by jury.

Dated: May 21, 2018

**MANLY, STEWART & FINALDI**

By: John C. Manly  
JOHN C. MANLY, Esq.  
Attorneys for Plaintiffs JANE DOE 1, JANE  
DOE 2, JANE DOE 3, and JANE DOE 4

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