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COVER STORY

Third suit filed against USC over sexual abuse by doctor

By Andy Serbe
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A third lawsuit has been filed by Arias Sanguinetti Wang & Torrijos LLP and Janet, Janet and Suggs LLC over alleged sexual abuses by former USC gynecologist Dr. Gregory Tyndall, against the doctor himself and the university for failing to intervene despite decades of complaints about his conduct.

According to the lawsuit filed Monday and its predecessors, Tyndall used his position as a staff gynecologist to abuse female USC students. Plaintiffs' documents say these abuses took the form of overly invasive exams, unnecessary probing, lewd comments, and underlying racial motivations, among other accusations.

The lawsuits also allege that complaints were lodged against Tyndall during his tenure and routinely ignored.

"It is unconscionable that a world-class institution like USC would ignore repeated red flags and allow Dr. Tyndall to remain in a position where he could continue his abuse of students," said Mike Arias of Arias Sanguinetti Wang & Torrijos LLP, who represents the 54 unnamed plaintiffs in this latest suit.

Arias and his firm are collaborating on the three lawsuits with Baltimore's Howard A. Janet and his firm, Janet, Janet and Suggs LLC. Janet is a well-known medical malpractice attorney who settled a similar lawsuit against Johns Hopkins Hospital for \$190 million on behalf of over 9,000 women in 2014. In that case, a gynecologist was caught filming patient exams, among other offenses.

"In my view, Dr. Tyndall, just like Dr. Levy, maliciously, methodically and repeatedly violated the sacred trust between a woman and her doctor for his own depraved sexual gratification. And in so doing, he caused unmeasurable pain and irreparable harm to hundreds — if not thousands — of women," Janet said in a press release.

Arias said that while the team is approaching the case with the intention of bringing the case to trial, he believes his clients have been through enough, and that going through discovery and deposition would also not be in USC's best interest.

"I think there's still an opportunity to make it right," Arias said.



Courtesy of Mike Arias

Mike Arias of Arias Sanguinetti Wang & Torrijos LLP has teamed with a Baltimore firm to bring a third suit against USC over allegations the university ignored decades of complaints of sexual abuse by a staff gynecologist.

USC Board of Trustees Chairman "Rick Caruso and this administration is recognizing that it might be better to resolve this instead of putting these women through more emotional distress," he added.

"The simple truth is this: USC could have — and should have — prevented hundreds, if not thousands, of students from being abused by Dr. Tyndall if they had simply investigated and acted on the complaints filed by students and professional staff," Arias said.

"Given the sheer number of complaints regarding his conduct lodged to the university during Dr. Tyndall's tenure, USC should have reported him to the appropriate authorities years, if not decades, earlier," he added.

Other lawsuits have said complaints about Tyndall came to light when a nurse took them directly to the school's rape crisis center after they were disregarded elsewhere. Tyndall left USC last year amid the wave of accusations. Caruso, the new board chairman and a local

real estate businessman, vowed to thoroughly and swiftly investigate the scandal on the day of his election. The school tapped O'Melveny & Myers LLP to lead the probe, led by partners Apalla U. Chopra and Steven J. Olson.

"Our most fundamental duty is to protect the dignity, safety and well-being of our students on their own campus. What happened to our students is unthinkable and immoral, and there can be no tolerance for not protecting our students," Caruso said at the time. "I am outraged by the failure of this duty, and it ends today."

Asked for comment on Monday's complaint, USC's media department said in an emailed statement, "The university is conducting a thorough investigation into this matter. We will be seeking a prompt and fair resolution that is respectful of our former students. We are committed to providing all USC students with the best, most professional health care services of any university." Attorneys for USC and Tyndall did not respond to requests for comment.