



## Protecting student sexual assault victims

**AB 1510**

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### SUMMARY OF THE BILL

AB 1510 gives students who suffer sexual assault and abuse a chance to have their claims heard in court by clearly reviving claims for a short period of one year.

### BACKGROUND

In May of 2018, the Los Angeles Times broke the story of a cover up by the University of Southern California (“USC”) regarding sexual misconduct of student patients by Dr. George Tyndall, the sole full-time gynecologist employed by the University at its Student Health Center since 1989. Although USC received numerous complaints over the course of decades about Dr. Tyndall’s sexual misconduct towards female patients during his employment at USC’s student health center, the university only belatedly conducted an investigation in 2016 after a nurse reported him to the campus rape crisis center. Following completion of the investigation, USC quietly paid Dr. Tyndall to go away. But the university failed to disclose information about the findings of their investigation to students or to the Medical Board of California and law enforcement. USC’s failure to address complaints of Dr. Tyndall’s sexual assault on students allowed him to continue to assault hundreds of victims over the years.

In recent months hundreds of women have come forward to recount their sexual assaults – some dating back to 1989 – by Dr. Tyndall. Many of these women were very young and their experience with Dr. Tyndall was their first gynecological experience. Many victims were foreign-born students and women of color. Most of these women did not fully comprehend that Dr. Tyndall’s conduct



was not “treatment” but instead was sexual assault, or did not understand that their emotional injuries were caused by Dr. Tyndall’s misconduct, until the media broke the story in May of 2018.

### PROBLEM

Dr. Tyndall used his position of trust and authority to repeatedly sexually abuse his vulnerable female patients for nearly thirty years, engaging in acts that included forcing his patients to strip completely naked while he remained in the room watching; groping his patients’ breasts; digitally penetrating his patients’ vaginas and anuses, often without wearing gloves and with unwashed hands;

### CHRISTY’S STORY

*When Christy L. was in USC freshman she sought treatment at the Student Health Center for a sinus infection. Dr. George Tyndall immediately took her case, even though it had nothing to do with gynecology. Despite the intended nature of her appointment, Tyndall performed a pelvic exam on her without a chaperone present, telling her that she should undergo a pap smear because she had turned 18 years old. Tyndall forced his fingers inside of Christy’s vagina and moved them around inside her for several minutes solely to satisfy his own sexual desires. While he was violating her, Tyndall made repeated inappropriate comments such as “You’re Filipino, aren’t you? My wife is Filipino,” and “You look like you could be a model, I bet your mother looks like a model too.”*



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photographing his patients' genitals and naked bodies; making racist, misogynistic and sexually-harassing comments to his patients; and illegally photographing the women's vaginas. All of these acts served no legitimate medical purpose and were solely done for purposes of Dr. Tyndall's prurient sexual interests.

Many of these women have filed civil lawsuits against Dr. Tyndall and USC for sexual battery and related sexual abuse. However, USC will seek dismissal of these assault claims, claiming they are time-barred. Thus, it is vital to giving these women an opportunity to have their day in court.

## **CURRENT LAW**

Prior to 2019, the applicable statute of limitations for sexual assault victims over the age of 18 was "within two years" of the last injury or assault. (*Code of Civil Procedure section 335.1.*)

Last year, the California Legislature enacted Code of Civil Procedure section 340.16 to extend the statute of limitations for any civil action for recovery of damages suffered as a result of sexual assault to ten years from the date of the last act, attempted act, or assault with the intent to commit an act, or within 3 years from the date the plaintiff discovers or reasonably should have discovered that an injury or illness resulted there from. (AB 1619 Berman, Chapter 939, 2018). That bill received nearly unanimous bipartisan support.

Unfortunately, Section 340.16 is limited in scope; the statute is expressly limited to actions that are "commenced on or after January 1, 2019" and, importantly, does not contain revival language for time-barred claims.

## **SOLUTION**

AB 1510 is needed to give student victims of Dr. Tyndall a small window to file their civil sexual assault claims. Our "MeToo" efforts must continue; California should do right by these victims and give them their day in court.

## **SPONSORS**

Consumer Attorneys of California (CAOC)

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