

USC Inks \$215M Deal To End Sex Abuse Class Suit

By Y. Peter Kang

Law360 (October 19, 2018, 1:21 PM EDT) -- The University of Southern California announced Friday it reached a \$215 million deal in principle to resolve a proposed class action accusing a former staff gynecologist of sexually abusing potentially thousands of women.



The University of Southern California on Friday reached a \$215 million settlement with a proposed class of women claiming a former staff gynecologist sexually abused potentially thousands of women with the school's knowledge. (AP)

The women claim Dr. George Tyndall, a longtime USC gynecologist, committed sexual abuse, molestation and unwanted touching, among other allegations, over a period of decades and with the school's knowledge, according to the putative class action filed in California federal court.

The proposed settlement will pay each woman a minimum of \$2,500, while each class member is eligible for a maximum of \$250,000, according to a school-wide letter penned by USC's Interim President Wanda M. Austin and released Friday.

"A fair and respectful resolution for as many former patients as possible has been a priority for the university," Austin wrote in the letter. "Many sweeping changes have been made and we continue to work every day to prevent all forms of misconduct on our campuses."

To be eligible for the higher payout, a class member must be willing to be interviewed by a forensic psychologist and other experts regarding their experience with Dr. Tyndall, according to the plaintiffs' attorneys with Hagens Berman Sobol Shapiro LLP.

"Many of the hundreds of women who have stepped forward to speak up about what happened to them at USC felt powerless against the university and Dr. Tyndall," firm managing partner Steve Berman said in a statement. "This proposed settlement not only brings meaningful relief to this class of USC graduates and students, but stands as a testament both to the strength of these women, coming forward to tell their truth, and to the ability of class actions to create real positive impact for those who have suffered."

Tyndall started working at USC in 1989, according to the complaint, and was allowed to "quietly resign" with a financial settlement paid to Tyndall in June 2017 in an attempt to keep the incidents

concealed, according to a **suit filed in state court.**

Hagens Berman told Law360 that if its request for fees is approved by the court, the total value of the settlement will be \$240 million.

The tentative settlement is earmarked for “all current or former female students who were seen for treatment by Dr. George M. Tyndall at USC’s student health center for women’s health issues,” according to class co-counsel Lief Cabraser Heimann & Bernstein LLP.

The proposed deal has a three-tiered structure for payouts. The \$2,500 payment will be made to any patient who was treated by Tyndall between July 1997 and June 2016 as verified by patient records or other evidence. A payment of \$7,500 to \$20,000 will be made after a class member provides a written description of her experience and its impact; a court-appointed special master will then recommend the payment amount, according to Hagens Berman.

The third and highest tier has a minimum of \$7,500 and a maximum of \$250,000 and requires a claimant to be interviewed by a forensic psychologist or other experts regarding her experience and its impact, the firm said. The expert will then make a report to the special master, who will assess “emotional distress and/or bodily injury” damages and recommend an award accordingly, according to Hagens Berman.

The women are represented by Steve W. Berman, Christopher R. Pitoun, Elizabeth A. Fegan and Emily Brown of Hagens Berman Sobol Shapiro LLP; Annika K. Martin of Lief Cabraser Heimann & Bernstein LLP; Daniel C. Girard and Elizabeth A. Kramer of Girard Sharp LLP; and Joseph G. Sauder of Sauder Schelkopf LLC.

USC is represented by Shon Morgan, John Quinn, Michael E. Williams and Tara Lee of Quinn Emanuel Urquhart & Sullivan LLP.

The case is Doe A.T. et al. v. University of Southern California et al., case number 2:18-cv-4940, in the U.S. District Court for Central California.

--Editing by Alyssa Miller.

Update: This story has been updated with additional counsel information and with more information about the settlement.