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6 Attorneys for Plaintiffs  
7 JOHN DOE 1, et al.

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF LOS ANGELES**

10 JOHN DOE 1, an Individual; JOHN DOE 2, an  
11 Individual; JOHN DOE 3, an Individual; JOHN  
12 DOE 4, an Individual; JOHN DOE 5, an  
Individual; JOHN DOE 6, an Individual; ALI  
13 JALAL-KAMALI, an Individual; ALLEN  
PEARCY GALEANA, an Individual; JOHN  
14 DOE 7, an Individual; JOHN DOE 8, an  
Individual; JOHN DOE 9, an Individual; JOHN  
15 DOE 10, an Individual; JOHN DOE 11, an  
Individual; JOHN DOE 12, an Individual;  
16 JOHN DOE 13, an Individual; JOHN DOE 14,  
17 an Individual; JOHN DOE 15, an Individual;  
18 JOHN DOE 16, an Individual; JOHN DOE 17,  
an Individual; JOHN DOE 18, an Individual;  
19 and JOHN DOE 19, an Individual,

20 Plaintiffs,

21 v.

22 UNIVERSITY OF SOUTHERN  
23 CALIFORNIA, a California Corporation;  
24 DENNIS A. KELLY, M.D., an Individual; and  
DOES 1 through 100, inclusive,

25 Defendants.  
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Case No: 19STCV04543

**FIRST AMENDED COMPLAINT FOR DAMAGES**

1. SEXUAL BATTERY (Civil Code § 1708.5);
2. BATTERY;
3. GENDER VIOLENCE (Civil Code Section 52.4);
4. SEXUAL HARASSMENT (Civil Code Section 51.9);
5. VIOLATION OF THE UNRUH ACT (Civil Code Section 51);
6. VIOLATION OF THE BANE ACT (Civil Code Section 52.1);
7. SEXUAL ABUSE AND DISCRIMINATION IN AN EDUCATIONAL SETTING (Education Code Section 220);
8. NEGLIGENT HIRING AND RETENTION;

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- 9. NEGLIGENT SUPERVISION;
- 10. FRAUDULENT MISREPRESENTATION;
- 11. FRAUDULENT CONCEALMENT;
- 12. NEGLIGENT MISREPRESENTATION
- 13. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS;
- 14. NEGLIGENCE; and
- 15. UNFAIR BUSINESS PRACTICES (Business and Professions Code Section 17200, *et seq.*);

**JURY TRIAL DEMANDED**

Plaintiffs JOHN DOE 1, JOHN DOE 2, JOHN DOE 3, JOHN DOE 4, JOHN DOE 5, JOHN DOE 6, ALI JALAL-KAMALI, ALLEN PEARCY GALEANA, JOHN DOE 7, JOHN DOE 8, JOHN DOE 9, JOHN DOE 10, JOHN DOE 11, JOHN DOE 12, JOHN DOE 13, JOHN DOE 14, JOHN DOE 15, JOHN DOE 16, JOHN DOE 17, JOHN DOE 18, and JOHN DOE 19 (hereinafter, “Plaintiffs”) for causes of action against Defendants UNIVERSITY OF SOUTHERN CALIFORNIA (hereinafter, “USC”), DENNIS A. KELLY, M.D. (hereinafter, “Dr. Kelly”) and DOES 1 through 100, inclusive, (hereinafter collectively referred to as “Defendants”) hereby allege as follows:

**INTRODUCTION**

1. This action arises from the discrimination, sexual assault, battery, and abuse of 21 young gay and bisexual men, and men whose sexual partners were men, while they were students at the University of Southern California in Los Angeles, California. Dr. Dennis A. Kelly, the only full-time men’s sexual health doctor on staff at USC’s Student Health Center, used his position of trust, authority, and power to sexually abuse, harass, and molest Plaintiffs and discriminate against them based on their sexual orientation and/or gender. Dr. Kelly’s conduct included, but was not

1 limited to: shaming, humiliating, and judging Plaintiffs for engaging in sexual acts with men;  
2 questioning Plaintiffs' sexual history using demeaning and derogatory terms, including whether  
3 Plaintiffs gave "rim jobs," "ate ass," and "sucked dick"; demanding Plaintiffs remove their pants  
4 and underwear in front of Dr. Kelly while he refused to leave the room or provide Plaintiffs with  
5 privacy; directing Plaintiffs to climb onto the medical examination table and get on their hands  
6 and knees while they were naked from the waist down without any standard medical covering,  
7 drapery, or robe for privacy; refusing to provide Plaintiffs with a standard medical covering,  
8 drapery, or a robe for privacy during examinations despite Plaintiffs' requests; making  
9 inappropriate comments to Plaintiffs during consultations or examinations regarding their physical  
10 appearance or sexual practices; insisting on performing unnecessary "genital examinations" on  
11 Plaintiffs; failing to provide explanations for the purpose or reason behind performing "genital  
12 examinations" on Plaintiffs; failing to answer Plaintiffs' questions regarding the purpose or reason  
13 behind performing "genital examinations" on Plaintiffs; insisting on performing unnecessary  
14 "rectal examinations" on Plaintiffs; failing to provide explanations for the purpose or reason  
15 behind performing "rectal examinations" on Plaintiffs; failing to answer Plaintiffs' questions  
16 regarding the purpose or reason behind performing "rectal examinations" on Plaintiffs; penetrating  
17 Plaintiffs' anuses with his finger(s) and/or medical devices without telling Plaintiffs what he was  
18 doing during the examination; and penetrating Plaintiffs' anuses with his finger(s) and/or medical  
19 devices without any legitimate medical purpose and for no other reason than to satisfy his own  
20 prurient sexual desires and/or to shame, humiliate, and embarrass Plaintiffs as a result of their  
21 sexual orientation and sexual practices.

22         2. Plaintiffs are informed and believe and thereon allege that Dr. Kelly was targeting  
23 the gay and bisexual male student population – all of whom were young adults and many of whom  
24 were visiting the doctor without a parent for the first time – by subjecting them to intrusive and  
25 medically unnecessary "rectal examinations." Dr. Kelly did not treat men he knew to be  
26 heterosexual or men who were not interested in men in a similar manner and did not penetrate  
27 their anuses or perform rectal examinations. Because Dr. Kelly was the only men's sexual health  
28 doctor at USC, Plaintiffs were forced to receive medical treatment from him for any concern

1 related to their sexual health which continuously subjected Plaintiffs to Dr. Kelly's abusive and  
2 discriminatory conduct. Defendant USC entrusted the Plaintiffs' safety and care to Dr. Kelly.  
3 Despite receiving repeated complaints regarding Dr. Kelly's misconduct, USC actively and  
4 deliberately failed to investigate, discipline, or address Dr. Kelly's sexually abusive and  
5 discriminatory behavior and instead, continued to employ Dr. Kelly for years, allowing him  
6 unencumbered access to sexually abuse, harass, and discriminate against Plaintiffs and other male  
7 gay and bisexual USC students in his care.

### 8 GENERAL ALLEGATIONS

9 3. Plaintiffs John Doe 1, John Doe 2, John Doe 3, John Doe 4, John Doe 5, John Doe  
10 6, Ali Jalal-Kamali, Allen Percy Galeana, John Doe 7, John Doe 8, John Doe 9, John Doe 10,  
11 John Doe 11, John Doe 12, John Doe 13, John Doe 14, John Doe 15, John Doe 16, John Doe 17,  
12 John Doe 18, and John Doe 19, at all relevant times herein, resided in the County of Los Angeles,  
13 State of California.

14 4. Plaintiffs are informed and believe and thereon allege that Defendant University of  
15 Southern California is, and at all times relevant herein was, a California Corporation, having its  
16 principal place of business in the County of Los Angeles, State of California, and was doing  
17 substantial business in the County of Los Angeles, State of California.

18 5. Plaintiffs are informed and believe and thereon allege that Defendant Dennis A.  
19 Kelly, M.D., at all times relevant herein, was and is an adult male individual over the age of 18  
20 who resides in the County of Los Angeles, State of California.

21 6. Plaintiffs are ignorant of the true names and capacities of defendants sued herein as  
22 Does 1 through 100, inclusive, and therefore sue these defendants by these fictitious names.  
23 Plaintiffs will amend this Complaint to allege the true names and capacities of these defendants  
24 when ascertained. Plaintiffs are informed and believe and thereon allege that each of the  
25 fictitiously named defendants are responsible in some manner for the occurrences alleged in this  
26 Complaint, and that Plaintiffs' damages alleged in this Complaint were proximately caused by  
27 those defendants.

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1 nurse that the purpose of his visit was more about his general health and well-being rather than his  
2 sexual health.

3 13. John Doe 1 was taken by USC staff to an examination room. Dr. Kelly entered the  
4 room shortly thereafter so that it was just John Doe 1 and Dr. Kelly in the examination room.  
5 Almost immediately after entering the room, Dr. Kelly began asking John Doe 1 a series of  
6 questions regarding his sexual history, including whether he had ever had sex with men and  
7 whether he had given or received anal sex or oral sex. John Doe 1 replied that he had, but that he  
8 had not been sexually active since his last check-up and testing.

9 14. After John Doe 1 informed Dr. Kelly that he had been sexually active with men in  
10 the past, Dr. Kelly began lecturing John Doe 1 in a judgmental and shaming manner, including  
11 informing John Doe 1 that being sexually active with men put him at high risk for diseases. Dr.  
12 Kelly continued invasive questioning, asking very detailed and specific information about John  
13 Doe 1's sexual activities, including whether he shared sex toys, watched internet porn, or "hooked  
14 up" with people on the internet, making John Doe 1 feel uncomfortable, unsafe, and shamed for  
15 his sexual orientation and activities. During Dr. Kelly's questioning, John Doe 1 informed Dr.  
16 Kelly that he did not have any symptoms or concerns related to his sexual health and he was  
17 visiting the doctor as part of his routine wellness testing.

18 15. Despite Plaintiff John Doe 1's lack of symptoms and lack of sexual activity since  
19 his last men's health visit, Dr. Kelly insisted that John Doe 1 have a rectal examination. John Doe  
20 1 was alarmed, and he protested the rectal examination, which he had never had before, as all of  
21 John Doe 1's prior testing for sexually transmitted diseases had been done by blood or urine tests.  
22 Plaintiff John Doe 1 questioned Dr. Kelly as to whether the rectal examination was necessary. Dr.  
23 Kelly insisted it was necessary, and he instructed Plaintiff John Doe 1 to remove his shorts and  
24 underwear and climb onto the examination table on his hands and knees. Dr. Kelly did not leave  
25 the room while John Doe 1 undressed, and Dr. Kelly did not provide Plaintiff John Doe 1 with any  
26 sort of standard medical modesty covering, such as a robe or lap draping, making John Doe 1 feel  
27 exposed and extremely uncomfortable.

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1           16.     Without saying a word about the details of the examination, the process, or what to  
2 expect, as John Doe 1 was on his hands and knees on the medical examination table undressed  
3 from the waist down, Plaintiff John Doe 1 suddenly felt a squirt of cold lubricant around his anus  
4 and a sharp pain as a circular device was inserted into his rectum without warning. After Plaintiff  
5 winced in pain and tensed up his muscles after the device was inserted into him, Dr. Kelly made  
6 the demeaning and vulgar comment that Plaintiff “need[ed] to learn how to relax.” Plaintiff is  
7 informed and believes and thereon alleges that Dr. Kelly’s statement was designed to shame,  
8 humiliate, and control John Doe 1 so that he would be silenced and so that Dr. Kelly could  
9 continue the sexual abuse and discrimination of young gay and bisexual males at USC without  
10 restraint.

11           17.     The rectal examination continued for approximately 45 seconds to 1 minute, and at  
12 no time did Dr. Kelly explain what he was doing or what the examination entailed. During the  
13 examination, Dr. Kelly was completely silent as Plaintiff John Doe 1 was splayed on his hands  
14 and knees without any drapery or covering, feeling exposed, humiliated, and distressed. Although  
15 he did not realize it at the time, Plaintiff John Doe 1 now knows that Dr. Kelly was not providing  
16 legitimate medical treatment to him but was instead sexually abusing him to further his own  
17 prurient desires and/or to discriminate, shame, humiliate, and embarrass him as a result of his  
18 sexual orientation.

19           18.     Plaintiff John Doe 1’s experience with Dr. Kelly was so uncomfortable, upsetting,  
20 and disturbing that he requested to see a different provider at USC relating to his health on  
21 multiple occasions. USC refused, stating that Dr. Kelly was the only men’s health doctor at USC,  
22 and that Plaintiff had to be treated by him.

23           19.     Although Dr. Kelly’s purported, “medical examination” caused Plaintiff John Doe  
24 1 to suffer embarrassment, humiliation, shame, pain, and discomfort, Plaintiff John Doe 1 trusted  
25 that Dr. Kelly was in fact conducting a legitimate medical procedure due to his position of  
26 authority as a physician employed by Defendant USC. Moreover, Plaintiff had no choice but to  
27 receive care from Dr. Kelly, as he was the only full-time men’s health physician at Defendant  
28 USC’s Student Health Center.



1 health were all his fault. Throughout Dr. Kelly's questioning, he was cold and callous, making  
2 Plaintiff John Doe 2 feel uncomfortable and unsafe.

3 24. After Dr. Kelly completed his questioning of Plaintiff John Doe 2, he told him that  
4 he needed to examine him. Dr. Kelly instructed John Doe 2 to take off his pants and underwear  
5 and climb onto the examination table on his knees and elbows. Plaintiff John Doe 2 asked Dr.  
6 Kelly if he could have some privacy while he undressed or if he could have a robe to cover his  
7 body, to which Dr. Kelly refused and made the disturbing and inappropriate comment that it was  
8 "just us" and that he was "going to see it anyway." Dr. Kelly did not leave the room while John  
9 Doe 2 undressed, and Dr. Kelly did not provide Plaintiff John Doe 2 with any sort of standard  
10 medical modesty covering, such as a robe or lap draping, making John Doe 2 feel exposed and  
11 uncomfortable.

12 25. After Plaintiff John Doe 2 climbed onto the examination table in the hands and  
13 knees position undressed from the waist down, Dr. Kelly came over to him, put his bare hand on  
14 his back and pushed down, ordering Plaintiff John Doe 2 to get lower and to get on his elbows.  
15 Plaintiff John Doe 2 was alarmed by Dr. Kelly's physical contact, which made him feel distressed.  
16 However, given Dr. Kelly's position of authority, and John Doe 2's vulnerable position, Plaintiff  
17 John Doe 2 complied with Dr. Kelly's instructions.

18 26. Dr. Kelly then conducted a rectal examination of Plaintiff John Doe 2 by inserting a  
19 long cotton swab into John Doe 2's anus without providing any explanation as to what he was  
20 doing during the examination. During this time, Plaintiff John Doe 2 was on his elbows and knees  
21 and naked from the waist down without any drapery or covering, feeling exposed, humiliated and  
22 distressed. During the rectal examination, Plaintiff John Doe 2 experienced extreme pain such that  
23 he cried out and told Dr. Kelly that the examination was painful. Dr. Kelly responded that the  
24 swab needed to be "inserted that deep" in order for the examination to be thorough. Plaintiff John  
25 Doe 2 has had other rectal examinations since leaving USC, none of which ever caused him to  
26 experience pain as he did during Dr. Kelly's examination.

27 27. After the examination, Dr. Kelly put gel onto Plaintiff John Doe 2's anus and  
28 instructed him to use his hands to spread his buttocks apart while still on the examination table.

1 While Plaintiff John Doe 2 was on the examination table, naked from the waist down and  
2 spreading his buttocks apart, Dr. Kelly was behind him and asking him questions about scheduling  
3 the next appointment, making John Doe 2 feel exposed, embarrassed, humiliated and distressed.

4 28. Plaintiff John Doe 2 saw Dr. Kelly on approximately three more separate occasions  
5 in March, April and May 2013 for treatment related to the sexual health symptoms he was  
6 experiencing. On each occasion, despite Plaintiff John Doe 2's continued requests for privacy, Dr.  
7 Kelly refused to leave the room while John Doe 2 undressed, using excuses that no other rooms  
8 were available, that it was going to take longer if he left, and that he was going to see John Doe 2  
9 naked anyway. On each occasion, Dr. Kelly insisted that John Doe 2 get on his elbows and knees  
10 on the examination table for his treatment, and Dr. Kelly refused to provide any sort of standard  
11 medical covering or drapery for privacy. On each occasion, Dr. Kelly instructed John Doe 2 to  
12 spread his buttocks open while he was naked from the waist down on the examination table, and  
13 while John Doe 2 was doing this, Dr. Kelly would stand behind him and try to make the next  
14 appointment. Dr. Kelly would then leave the room through the door behind John Doe 2 while he  
15 was still on the examination table, and there was no curtain or barrier between John Doe 2 and the  
16 door leading to the highly trafficked hallway making John Doe 2 feel self-conscious, humiliated,  
17 embarrassed, and ashamed.

18 29. During one appointment, Plaintiff John Doe 2 asked Dr. Kelly if treatment could be  
19 done while he was laying on his side instead of his hands and knees so that he would be more  
20 comfortable and so that the exam would be less painful. Dr. Kelly refused, stating that such an  
21 examination would purportedly be less "thorough."

22 30. On one occasion during an appointment with Dr. Kelly, Plaintiff John Doe 2 was  
23 on his elbows and knees naked on the examination table and someone knocked on the door to the  
24 examination room. Dr. Kelly invited the person into the room despite Plaintiff John Doe 2's  
25 extremely vulnerable and compromising position and without providing Plaintiff John Doe 2 with  
26 any privacy, making Plaintiff John Doe 2 feel mortified, embarrassed, and humiliated. Plaintiff is  
27 informed and believe and thereon alleges that Dr. Kelly invited the stranger into the examination  
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1 room while John Doe 2 was on the examination table in order to shame, humiliate, and  
2 discriminate against John Doe 2.

3 31. Plaintiff John Doe 2's experience with Dr. Kelly was so uncomfortable, upsetting,  
4 and disturbing that he requested to see a different provider at USC relating to his health on  
5 multiple occasions. USC refused, stating that Dr. Kelly was the only men's health doctor at USC,  
6 and that Plaintiff had to be treated by him.

7 32. On one occasion, when Dr. Kelly was unavailable, John Doe 2 received treatment  
8 from a female physician at USC. She left the room while John Doe 2 undressed, and she provided  
9 him with a robe for privacy. She provided medical treatment to John Doe 2 while he was laying  
10 on his side, rather than his hands and knees, and she made him feel safe and comfortable. John  
11 Doe 2 requested to be treated by the female physician again, but he was told that he would have to  
12 return to Dr. Kelly for the remainder of his treatment.

13 33. As a direct result of Defendants' actions, Plaintiff John Doe 2 was so confused,  
14 shamed, and traumatized from his experience with Dr. Kelly that he avoided receiving treatment at  
15 USC's Student Health Center later known as the Engemann Student Health Center so that he  
16 would not have to endure Dr. Kelly's shaming, judgment, and painful and humiliating  
17 examinations again, thereby compromising his health and wellbeing.

18 34. Plaintiff is informed and believes and thereon alleges that Dr. Kelly's statements,  
19 physical contact, instructions, examinations, and treatment were designed to discriminate against,  
20 shame, humiliate, and control John Doe 2 so that he would be silenced and so that Dr. Kelly could  
21 continue the sexual abuse and discrimination of young gay males at USC without restraint.

22 35. Although Dr. Kelly's purported, "medical examination" caused Plaintiff John Doe  
23 2 to suffer physical pain and discomfort as well as embarrassment, humiliation, and shame,  
24 Plaintiff John Doe 2 trusted that Dr. Kelly was in fact conducting a legitimate medical procedure  
25 due to his position of authority as a physician employed by Defendant USC. Moreover, Plaintiff  
26 had no choice but to receive sexual health care from Dr. Kelly, as he was the only full-time men's  
27 health physician at Defendant USC's Student Health Center later known as the Engemann Student  
28 Health Center.



1 admonishments, and harsh judgmental tone made John Doe 3 feel uncomfortable, unsafe, and  
2 shamed for his sexual orientation and practices.

3 40. During one appointment, Dr. Kelly pulled out a long cotton swab. Confused,  
4 Plaintiff John Doe 3 asked Dr. Kelly what the cotton swab would be used for. Dr. Kelly told  
5 Plaintiff John Doe 3 that he was going to do an exam. Plaintiff John Doe 3 immediately pushed  
6 back at the thought of a physical examination and asked whether an examination was necessary  
7 since he had only participated in oral sex, had no other symptoms or concerns related to his sexual  
8 health, and had not been recently sexually active. Dr. Kelly responded that since Plaintiff John  
9 Doe 3 “had gotten rimmed,” that it was necessary to perform a rectal examination. He also told  
10 John Doe 3 that the cotton swab was “smaller than a penis or a dildo.” Plaintiff is informed and  
11 believes and thereon alleges that Dr. Kelly used these derogatory terms and his position of power  
12 to shame, humiliate, discriminate, and control John Doe 3 so that he would be silenced and so that  
13 Dr. Kelly could continue his abuse.

14 41. Plaintiff John Doe 3 continued to protest the examination and he and Dr. Kelly  
15 went back and forth as to the necessity of the examination. After Dr. Kelly continued to insist on  
16 the examination, and because of Dr. Kelly’s position of power and authority and John Doe 3’s  
17 vulnerability, Plaintiff John Doe 3 eventually relented. Dr. Kelly instructed Plaintiff John Doe 3  
18 to undress, turn over, and get on his hands and knees on the examination table.

19 42. Dr. Kelly did not leave the room while John Doe 3 undressed, and Dr. Kelly did not  
20 provide Plaintiff John Doe 3 with any sort of standard medical modesty covering, such as a robe  
21 or lap draping, making John Doe 3 feel exposed, embarrassed, and extremely uncomfortable. As  
22 Plaintiff John Doe 3 was on his hands and knees on the examination table without any drapery or  
23 covering, he specifically remembers thinking that Dr. Kelly was enjoying forcing Plaintiff John  
24 Doe 3 into an uncomfortable and humiliating position.

25 43. Without saying a word about the details of the examination, the process, or what to  
26 expect, and as John Doe 3 was on his hands and knees on the medical examination table undressed  
27 from the waist down, Plaintiff John Doe 3 felt lubricant around his anus and Dr. Kelly suddenly  
28 penetrated Plaintiff John Doe 3’s rectum with a cotton swab without warning.

1           44.     At no time during the rectal examination did Dr. Kelly explain what he was doing  
2 or what the examination entailed. During the examination, Dr. Kelly was completely silent as  
3 Plaintiff John Doe 3 was splayed on his hands and knees without any drapery or covering, feeling  
4 exposed, humiliated, and distressed. Although he did not realize it at the time, Plaintiff John Doe  
5 3 now knows that Dr. Kelly was not providing legitimate medical treatment to him but was instead  
6 sexually abusing him to further his own prurient desires and/or to discriminate, shame, humiliate,  
7 and embarrass him as a result of his sexual orientation.

8           45.     Plaintiff John Doe 3's experience with Dr. Kelly was so uncomfortable, upsetting,  
9 and disturbing that he approached an employee at USC, told that employee that Dr. Kelly made  
10 him feel extremely uncomfortable, and requested to see another provider for his sexual health.  
11 The USC employee refused, stating that Dr. Kelly was the only men's health doctor at USC, and  
12 that Plaintiff had to be treated by him.

13           46.     Plaintiff John Doe 3 was forced to visit Dr. Kelly on several other occasions during  
14 his time as an undergraduate student for his routine sexual health checkups despite his protests.  
15 During each occasion, Dr. Kelly condemned Plaintiff John Doe 3's sexual behavior, made him  
16 feel ashamed for his actions, and caused him to feel unsafe and bad about himself and his sexual  
17 identity.

18           47.     Although Dr. Kelly's purported "medical examination" caused Plaintiff John Doe 3  
19 to suffer embarrassment, humiliation, shame, pain, and discomfort, Plaintiff John Doe 3 trusted  
20 that Dr. Kelly was in fact conducting a legitimate medical procedure due to his position of  
21 authority as a physician employed by Defendant USC. Moreover, Plaintiff had no choice but to  
22 receive sexual health care from Dr. Kelly, as he was the only full-time men's health physician at  
23 Defendant USC's Student Health Center.

24           48.     It was only after May of 2018, after the Los Angeles Times published an article  
25 exposing USC's gynecologist George Tyndall of rampant sexual abuse of female students for  
26 decades at USC, and USC's knowledge and concealment of such abuse, that John Doe 3 realized  
27 for the first time that Dr. Kelly's actions were not for a legitimate medical purpose, but rather were  
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1 purely motivated by his own prurient desire to sexually abuse him for his own sexual gratification  
2 and/or discriminate against him based on his sexual orientation and/or gender.

3 **JOHN DOE 4**

4 49. Plaintiff John Doe 4 is a male who was born in 1990 and currently resides in San  
5 Francisco County, California. Plaintiff John Doe 4 was an undergraduate student and student  
6 athlete at USC from 2011 to 2014.

7 50. In order to obtain a male sexual health examination as part of an ordinary medical  
8 health regimen, Plaintiff John Doe 4 made an appointment with the only male sexual health doctor  
9 on staff at USC's student health clinic, Dr. Kelly, in or around March or April 2011. Shortly  
10 before his appointment, Plaintiff John Doe 4 answered a series of questions regarding his sexual  
11 history, which indicated that he was interested in men, that he never had unprotected sex, had  
12 never tested positive for a sexually transmitted infection, and had no symptoms or concerns.

13 51. John Doe 4 was taken by USC staff to an examination room. Dr. Kelly entered the  
14 room shortly thereafter so that it was just John Doe 4 and Dr. Kelly in the examination room. Dr.  
15 Kelly began asking John Doe 4 a series of invasive and uncomfortable questions regarding his  
16 sexual history and experiences, asking John Doe 4 very detailed and specific questions about his  
17 sexual activities, including whether he had sex with men, shared sex toys, paid for sex or had ever  
18 been paid for sex, and how John Doe 4 met his sexual partners. Notwithstanding the fact that at  
19 that point John Doe 4 had not had any anal intercourse and had no symptoms or specific concerns  
20 related to his sexual health whatsoever, Dr. Kelly insisted that John Doe 4 have a rectal  
21 examination. John Doe 4 had never had a rectal examination before, as all his prior testing for  
22 sexually transmitted diseases had been done by blood and urine tests and sometimes throat swab  
23 tests. Plaintiff John Doe 4 questioned Dr. Kelly as to why the rectal examination was necessary.  
24 Dr. Kelly informed him that he needed to inspect John Doe 4's anal cavities as part of his routine  
25 "screening" for "eggs and lesions."

26 52. Dr. Kelly instructed Plaintiff John Doe 4 to remove his pants and underwear in  
27 front of Dr. Kelly and get on "all fours" on the examination table. Dr. Kelly did not leave the  
28 room to allow John Doe 4 privacy while he undressed, and he did not offer any sort of standard

1 proper modesty covering, such as a robe or lap draping, making John Doe 4 feel exposed and  
2 vulnerable. With his pants and underwear around his ankles, Plaintiff John Doe 4 proceeded to  
3 climb onto the examination table and position himself on his hands and knees.

4 53. Without saying a word, Dr. Kelly began using his hands to push Plaintiff John Doe  
5 4, pull Plaintiff John Doe 4's hips and buttocks closer to him, and spread Plaintiff John Doe 4's  
6 thighs further apart. John Doe 4 was alarmed and distressed at Dr. Kelly's invasive physical  
7 contact without explanation. Plaintiff John Doe 4 waited in this position with his naked hips and  
8 buttocks in the air for minutes in silence without knowing what was happening because Dr. Kelly  
9 did not explain what he was doing, and John Doe 4 could not see Dr. Kelly because he was on his  
10 hands and knees facing a wall. Without warning or explanation, Dr. Kelly suddenly penetrated  
11 Plaintiff John Doe 4's anus with an unknown lubricated apparatus. The rectal examination  
12 continued for up to a minute, and at no point did Dr. Kelly explain to John Doe 4 what he was  
13 doing or what to expect, except to tell John Doe 4 to "relax," making John Doe 4 extremely  
14 uncomfortable, distressed, and embarrassed.

15 54. Plaintiff John Doe 4 saw Dr. Kelly on approximately five or six separate occasions  
16 from approximately 2011 through 2014. During each of these routine sexual health examinations  
17 at Defendant USC's Student Health Center, Dr. Kelly instructed John Doe 4 to undress in front of  
18 him without offering any privacy or covering, instructed him to get on "all fours" on the  
19 examination table, and insisted on a rectal examination in which he forced his fingers and/or an  
20 unknown apparatus into his anus without explanation or reason.

21 55. In addition to these physical abuses, during John Doe 4's visits, Dr. Kelly made  
22 harassing, vulgar, and inappropriate comments to Plaintiff John Doe 4, including, but not limited  
23 to, commenting on the size of John Doe 4's arm muscles, stating, "you've been working out" and  
24 "you've toned down since we met." Dr. Kelly also lectured John Doe 4 in a judgmental and  
25 shaming manner on each visit including informing Jon Doe 4 that being sexually active with men  
26 put him at high risk for diseases, telling John Doe 4 that "I hope you know that [a prescription for  
27 Truvada] doesn't give you a free pass," making John Doe 4 feel uncomfortable, unsafe, and  
28 shamed for his sexual orientation and sexual practices.



1           61.     Dr. Kelly entered the room shortly thereafter so that it was just John Doe 5 and Dr.  
2 Kelly in the room. Almost immediately after entering the room, Dr. Kelly began asking John Doe  
3 5 a series of invasive and detailed questions regarding his sexual history using inappropriate,  
4 vulgar, and harassing language, including whether he had ever had sex with men, whether he had  
5 given or received anal sex or oral sex, whether he had ever given anyone a “rim job” or gotten a  
6 “rim job” from anyone, whether he was “a top or bottom” and repeatedly referring to the penis as  
7 “dick” and buttocks as “ass,” including asking whether John Doe 5 ever “ate ass.”

8           62.     When John Doe 5 indicated that he had participated in anilingus, Dr. Kelly began  
9 lecturing John Doe 5 in a judgmental and shaming manner, including saying that John Doe 5’s  
10 sexual activity with men put him at a very high risk for diseases. Dr. Kelly continued his  
11 questioning, asking very detailed and specific information about John Doe 5’s sexual activities,  
12 including whether he paid for sex or had been paid for sex, whether he watched internet porn and  
13 how often, whether he was on any “dating apps,” or whether he “hooked up” with people on the  
14 internet, making John Doe 5 feel uncomfortable, unsafe, and shamed for his sexual orientation and  
15 sexual practices. During Dr. Kelly’s questioning, John Doe 5 informed Dr. Kelly that he did not  
16 have any symptoms or concerns related to his sexual health, that he had only ever had one other  
17 boyfriend besides his current partner before, that he and his partner were in a committed  
18 monogamous relationship, that he and his partner always used condoms, and that he had never  
19 tested positive for any sexual transmitted infection before.

20           63.     Notwithstanding John Doe 5’s lack of symptoms or concerns and lack of  
21 unprotected sex since his last sexual health visit, Dr. Kelly insisted that John Doe 5 submit to a  
22 physical examination in an examination room. John Doe 5 was surprised that there would be a  
23 physical examination since no one from the Student Health Center, or otherwise, had informed  
24 him that a physical examination would be necessary to conduct testing for sexually transmitted  
25 infections. John Doe 5 was especially surprised that a physical examination was suggested since  
26 he did not have any symptoms or physical concerns that needed to be evaluated. John Doe 5 had  
27 never had a rectal examination before, as his prior testing for sexually transmitted diseases had  
28 been done by blood and urine test. However, this was only John Doe 5’s second men’s health

1 examination and one of the first doctor visits he had ever attended as an adult without a parent  
2 present, and he trusted that Dr. Kelly was in fact going to conduct a legitimate medical procedure  
3 due to his position of authority as a physician employed by Defendant USC.

4         64.     Dr. Kelly instructed John Doe 5 to remove his pants and underwear and get on his  
5 hands and knees on the examination table. John Doe 5 said, “Okay,” and sat waiting for Dr. Kelly  
6 to leave the room to allow him some privacy. However, Dr. Kelly never left, instead continuing to  
7 sit and stare directly at John Doe 5, making John Doe 5 feel extremely uncomfortable. After  
8 almost a half a minute passed, Dr. Kelly continued to sit and stare at John Doe 5 and prompted  
9 him to undress, saying, “Whenever you’re ready.” John Doe 5 understood that Dr. Kelly was  
10 communicating that he would not leave the room while John Doe 5 undressed, and that he would  
11 not provide John Doe 5 with any sort of standard proper modesty covering, such as a robe or lap  
12 draping. John Doe 5 turned around and undressed while Dr. Kelly stood behind him without  
13 turning around, making John Doe 5 feel exposed, vulnerable, and extremely uncomfortable.

14         65.     Without saying a word about the details of the examination, the process, or what to  
15 expect, as John Doe 5 stood with his pants and underwear around his legs and torso bent over the  
16 examination table, Dr. Kelly came up behind John Doe 5 and said, “No, not like that. Put your  
17 knees up on the table and get on all fours.” Once up on the examination table, Dr. Kelly used his  
18 hands to physically adjust John Doe 5 and instructed him to arch his back so that he could “get a  
19 better feel” for a more “thorough” examination. Then, without any explanation or warning, Dr.  
20 Kelly penetrated John Doe 5 with an unknown apparatus and/or his fingers, circling and moving  
21 them around inside his anus for a prolonged period of time.

22         66.     The rectal examination continued for approximately 45 seconds to 1 minute, and at  
23 no time did Dr. Kelly explain what he was doing or what the examination entailed. During the  
24 examination, Dr. Kelly was completely silent as Plaintiff John Doe 5 was splayed on his hands  
25 and knees without any drapery or covering, feeling exposed, humiliated, and distressed. After Dr.  
26 Kelly completed the “rectal examination” he then instructed Plaintiff John Doe 5 to “flip over”  
27 onto his back and with his genitals fully exposed, asking him to pull his shorts and underwear  
28 down even further. Dr. Kelly then used his hands to physically adjust John Doe 5 and inspect his

1 genitals and pubic region. Although he did not realize it at the time, Plaintiff John Doe 5 now  
2 knows that Dr. Kelly was not providing legitimate medical treatment to him but was instead  
3 sexually abusing him to further his own prurient desires and/or to discriminate, shame, humiliate,  
4 and embarrass him because of his sexual orientation.

5 67. Although Dr. Kelly's purported "medical examination" caused John Doe 5 to suffer  
6 embarrassment, humiliation, shame, pain, and discomfort, and in reasonable reliance upon  
7 Defendant USC's active concealment of its knowledge that Dr. Kelly was a sexual predator and  
8 discriminated against men on the basis of their sexual orientation and/or gender, Plaintiff John  
9 Doe 5 trusted that Dr. Kelly was in fact conducting a legitimate medical procedure due to his  
10 position of authority as a physician employed by Defendant USC. Moreover, John Doe 5 had no  
11 choice but to receive sexual health care from Dr. Kelly, as he was the only full-time men's sexual  
12 health physician at Defendant USC's Student Health Center.

13 68. Plaintiff John Doe 5 felt so confused, shamed, and traumatized from his experience  
14 with Dr. Kelly in 2012 that he became fearful of Dr. Kelly and never returned to USC's Student  
15 Health Center for male sexual health examinations again.

16 69. It was only in or around September of 2018, after the Los Angeles Times published  
17 an article exposing USC's gynecologist George Tyndall of rampant sexual abuse of female  
18 students for decades at USC, and USC's knowledge and concealment of such abuse, that Plaintiff  
19 John Doe 5 realized, for the first time, that Dr. Kelly's actions were not for a legitimate medical  
20 purpose, but rather committed to discriminate against him based on his sexual orientation and/or  
21 gender and/or were purely motivated by Dr. Kelly's own prurient desires and sexual gratification.

### 22 **JOHN DOE 6**

23 70. Plaintiff John Doe 6 is a male who was born in 1990 and currently resides in Los  
24 Angeles County, California. Plaintiff John Doe 6 was an undergraduate student at USC from 2008  
25 to 2012.

26 71. In order to obtain a male sexual health examination as part of an ordinary medical  
27 health regimen, Plaintiff John Doe 6 made an appointment with the only male sexual health doctor  
28 on staff at USC's Student Health Center, Dr. Kelly, in December 2008. Shortly before his

1 appointment, Plaintiff John Doe 6 answered a series of questions regarding his sexual history,  
2 which indicated that he was interested in men and women, had never tested positive for a sexually  
3 transmitted infection, and had no symptoms or concerns related to his sexual health. John Doe 6  
4 then met with a medical assistant and/or nurse who took his vitals and asked him questions about  
5 his medical history.

6 72. John Doe 6 was then taken by a USC staff member to an examination room. Dr.  
7 Kelly entered the room shortly thereafter so that it was just John Doe 6 and Dr. Kelly in the  
8 examination room. Almost immediately after entering the room, Dr. Kelly began asking John Doe  
9 6 a series of invasive questions regarding his sexual history, including whether he had ever had  
10 sex with men, whether he had given or received anal sex or oral sex, and whether he ever had  
11 unprotected sex with a man. John Doe 6 replied that he had unprotected sex with a man, to which  
12 Dr. Kelly responded that such an act was, “Dirty,” making John Doe 6 feel shamed and  
13 humiliated.

14 73. After John Doe 6 informed Dr. Kelly that he had been sexually active with men in  
15 the past, Dr. Kelly began lecturing John Doe 6 in a judgmental and shaming manner, including  
16 telling John Doe 6 that being sexually active with men put him at high risk for diseases. Dr. Kelly  
17 continued his questioning, asking very detailed and inappropriate information about John Doe 6’s  
18 sexual activities, including whether he ever paid or was paid for sex, watched internet porn, or  
19 “hooked up” with male partners he met on the internet, making John Doe 6 feel uncomfortable,  
20 unsafe, and shamed for his sexual orientation and activities. During Dr. Kelly’s questioning, John  
21 Doe 6 informed Dr. Kelly that he did not have any symptoms or concerns related to his sexual  
22 health.

23 74. Despite Plaintiff John Doe 6’s lack of symptoms and a lack of sexual activity since  
24 his last sexual health visit, Dr. Kelly insisted that John Doe 6 have a rectal examination. Dr. Kelly  
25 instructed Plaintiff John Doe 6 to remove his pants and underwear and climb onto the examination  
26 table on his hands and knees. Dr. Kelly did not leave the room while John Doe 6 undressed, and  
27 Dr. Kelly did not provide Plaintiff John Doe 6 with any sort of standard medical modesty  
28

1 covering, such as a robe or lap draping, making John Doe 6 feel exposed, vulnerable, and  
2 extremely uncomfortable.

3 75. Without saying a word about the details of the examination, the process, or what to  
4 expect, as John Doe 6 was on his hands and knees on the medical examination table undressed  
5 from the waist down, Dr. Kelly suddenly penetrated Plaintiff John Doe 6's anus with an unknown  
6 lubricated apparatus and/or his fingers. The rectal examination continued for up to a minute, and  
7 at no point did Dr. Kelly explain to John Doe 6 what he was doing or what to expect.

8 76. During the examination, Dr. Kelly was completely silent as Plaintiff John Doe 6  
9 was splayed on his hands and knees without any drapery or covering, feeling exposed, humiliated,  
10 and distressed. Although he did not realize it at the time, Plaintiff John Doe 6 now knows that Dr.  
11 Kelly was not providing legitimate medical treatment to him but was instead sexually abusing him  
12 to further his own prurient desires and/or to discriminate, shame, humiliate, and embarrass him  
13 based on his sexual orientation.

14 77. Although Dr. Kelly's purported "medical examination" caused Plaintiff John Doe 6  
15 to suffer embarrassment, humiliation, shame, pain, and discomfort, and in reasonable reliance  
16 upon Defendant USC's active concealment of its knowledge that Dr. Kelly was a sexual predator  
17 and discriminated against men on the basis of their sexual orientation and/or gender, and Plaintiff  
18 John Doe 6 trusted that Dr. Kelly was in fact conducting a legitimate medical procedure due to his  
19 position of authority as a physician employed by Defendant USC. Moreover, John Doe 6 had no  
20 choice but to receive sexual health care from Dr. Kelly, as he was the only full-time men's health  
21 physician at Defendant USC's Student Health Center.

22 78. A little over a week after his visit with Dr. Kelly, Plaintiff John Doe 6 emailed the  
23 USC Student Health Center to request that the results of his laboratory testing be sent to him  
24 electronically. The next day, Dr. Kelly replied to John Doe 6's email stating: "Questions, other  
25 than lab results are best handled in person. Please either stop by or if detailed, make a follow up  
26 appointment." Dr. Kelly also provided a list of his office hours. Horrified that Dr. Kelly was  
27 asking him to come back in to see him, and to limit any additional contact with him, Plaintiff John  
28 Doe 6 responded again requesting that his results be sent electronically, stating that he would

1 review the results and would schedule an appointment if he had any questions. Dr. Kelly then  
2 responded that John Doe 6's testing was all normal and asked John Doe 6 to let him know if he  
3 could help him again. John Doe 6 did not respond and hoped that would be the end of it. A few  
4 days later, Dr. Kelly emailed John Doe 6 stating that he saw that no HIV testing was done and  
5 asked, "is this something that you wanted?" Again, horrified that Dr. Kelly was suggesting he  
6 come back in for a visit, and to limit any additional contact with him, John Doe 6 responded that  
7 he did not want HIV testing.

8 79. Plaintiff John Doe 6 felt so confused, shamed, and traumatized from his experience  
9 with Dr. Kelly in 2008 that he became fearful of Dr. Kelly and requested to be seen by a different  
10 doctor at USC for a subsequent male sexual health examination the following year. At Plaintiff  
11 John Doe 6's subsequent male sexual health examination with Dr. Kevin Kwak, Dr. Kwak did not  
12 ask Plaintiff John Doe 6 any of the same invasive questions regarding his sexual history that Dr.  
13 Kelly did. He instead asked generally about John Doe 6's sexual history and then recommended  
14 that John Doe 6 provide a urine and blood sample for routine testing. Plaintiff John Doe 6  
15 complained to Dr. Kwak that at his previous visit with Dr. Kelly, Dr. Kelly insisted that John Doe  
16 6 submit to a rectal examination as part of his men's health visit. Dr. Kwak stated that a rectal  
17 exam was not necessary and remarked "that shouldn't have happened."

18 80. Although Plaintiff John Doe 6 remained traumatized and haunted by his 2008 visit  
19 with Dr. Kelly, it was only in or around September of 2018, after the Los Angeles Times  
20 published an article exposing USC's gynecologist George Tyndall of rampant sexual abuse of  
21 female students for decades at USC, and USC's knowledge and concealment of such abuse, that  
22 Plaintiff John Doe 6 realized, for the first time, that Dr. Kelly's actions were not for a legitimate  
23 medical purpose, but rather committed to discriminate against him based on his sexual orientation  
24 and/or gender and/or were purely motivated by Dr. Kelly's own prurient desires and sexual  
25 gratification.

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**PLAINTIFF ALI JALAL-KAMALI**

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2           81.     Plaintiff Ali Jalal-Kamali is a male who was born in 1986 and who currently  
3 resides in Los Angeles County, California. At the time of filing this Complaint, Plaintiff Ali Jalal-  
4 Kamali is an international student studying to obtain his PhD at USC.

5           82.     In or around September 2017, Plaintiff Ali Jalal-Kamali made an appointment with  
6 USC's Student Health Center because he was interested in obtaining a prescription for pre-  
7 exposure phrophlaxis (PrEP) medication. USC scheduled Plaintiff Jalal-Kamali with the only  
8 male sexual health doctor on staff at USC's Student Health Center and the only provider at USC  
9 who could prescribe PrEP, Dr. Kelly.

10          83.     Plaintiff Jalal-Kamali went to his appointment and was taken by USC staff to Dr.  
11 Kelly's private office. Dr. Kelly informed Plaintiff Jalal-Kamali that he would be asking him a  
12 series of questions to see if he qualified for PrEP, but that first, he needed to go to the laboratory  
13 to get tested for all sexually transmitted infections and HIV. When Plaintiff Jalal-Kamali  
14 informed Dr. Kelly that he did not need to get tested for the anal gonorrhea test, Dr. Kelly  
15 responded, "Why not? Are you a top only?" to which Plaintiff affirmatively responded. Dr. Kelly  
16 then began asking Plaintiff Jalal-Kamali inappropriate questions including whether anyone has  
17 ever "licked [his] ass," "put a finger or toy there," or whether anyone has ever "teased their penis"  
18 around his anus such that "pre-cum" may have made contact with his anus. Dr. Kelly creepily  
19 smiled at Plaintiff Jalal-Kamali during these questions, making him feel extremely uncomfortable  
20 and violated. Dr. Kelly continued to insist that Plaintiff tell him if there had been any contact with  
21 his anus, and Plaintiff Jalal-Kamali had to tell him on three separate occasions that there had not  
22 been. Plaintiff Jalal-Kamali then went to the laboratory to obtain testing as instructed by Dr.  
23 Kelly.

24          84.     After Plaintiff Jalal-Kamali was tested, he returned to Dr. Kelly's office. Dr. Kelly  
25 began asking Plaintiff a series of invasive, uncomfortable, and inappropriate questions regarding  
26 his sexual history and experiences, including detailed information about the ways that Plaintiff  
27 Jalal-Kamali had sex, the number of his sexual partners, and the ethnicity of Plaintiff's sexual  
28 partners. Plaintiff Jalal-Kamali recalls that Dr. Kelly was condescending and forceful in

1 attempting to extract information from him. When Plaintiff Jalal-Kamali informed Dr. Kelly that  
2 he did not feel comfortable answering his questions, Dr. Kelly aggressively told Plaintiff that if he  
3 did not want his help, that he could go elsewhere, but that if he wanted his help, Plaintiff Jalal-  
4 Kamali would have to answer his questions. Plaintiff Jalal-Kamali interpreted Dr. Kelly's  
5 statement to mean that he had to answer Dr. Kelly's invasive and inappropriate questions or Dr.  
6 Kelly would not provide him with medical care. Plaintiff Jalal-Kamali then started to answer a  
7 series of invasive and inappropriate questions, including but not limited to, sexual positions in  
8 which Plaintiff Jalal-Kamali engaged, the locations where Plaintiff had sex, what specific acts  
9 Plaintiff engaged in while having sex, the ethnicity of Plaintiff's partners, where and how he met  
10 his partners, and how long Plaintiff waited before having sex with someone. Throughout Dr.  
11 Kelly's questioning, he was prying and judgmental, making Plaintiff Jalal-Kamali feel  
12 uncomfortable, shamed, confused, and unsafe. Plaintiff is informed and believes and thereon  
13 alleges that Dr. Kelly's questioning and commentary were designed to shame, humiliate, and  
14 control Plaintiff Jalal-Kamali so that he would be silenced and so that Dr. Kelly could continue the  
15 sexual abuse and discrimination of young gay and bisexual males at USC without restraint.

16 85. Dr. Kelly informed Plaintiff Jalal-Kamali that he would have to return to see him  
17 on multiple occasions in order to receive a prescription for PrEP. Plaintiff Jalal-Kamali returned  
18 to see Dr. Kelly for a follow-up appointment thereafter. Plaintiff Jalal-Kamali informed Dr. Kelly  
19 that he was dating someone monogamously, to which Dr. Kelly began asking prying and intrusive  
20 questions, including how he met his partner, how old his partner was, what his partner looked like,  
21 the ethnicity of his partner, and details on why Plaintiff liked him. When Plaintiff informed Dr.  
22 Kelly that he had met his partner on Grindr, Dr. Kelly immediately started scolding Plaintiff Jalal-  
23 Kamali, informing him that "everyone on Grindr sleeps with everyone else" and that Plaintiff's  
24 partner "could not be trusted." When Plaintiff informed Dr. Kelly of the ethnicity of his partner,  
25 Dr. Kelly responded, "So you are into black guys? But you are a top," making Plaintiff feel  
26 extremely uncomfortable and confused.

27 86. In or around November 2017, Plaintiff Jalal-Kamali made an appointment with  
28 USC's Student Health Center after concerns about possible exposure to a sexually transmitted

1 infection. Plaintiff Jalal-Kamali was in a monogamous relationship at the time, and he was not  
2 experiencing any symptoms. Plaintiff Jalal-Kamali was scheduled with Dr. Kelly for his  
3 appointment. At the appointment, Plaintiff Jalal-Kamali informed Dr. Kelly that his partner had  
4 tested positive for a sexually transmitted infection and that he also wanted to get tested. Dr. Kelly  
5 began scolding Plaintiff and telling him, “I told you not to trust those people.” Even though he had  
6 no symptoms and he had not yet received his test results, Dr. Kelly insisted that Plaintiff Jalal-  
7 Kamali take medication for the sexually transmitted infection immediately and that he submit to a  
8 physical examination.

9           87. Dr. Kelly then led Plaintiff Jalal-Kamali to an examination room so that it was just  
10 Jalal-Kamali and Dr. Kelly in the room. Dr. Kelly then instructed Plaintiff Jalal-Kamali to pull  
11 down his pants and underwear for a genital examination. Dr. Kelly did not leave the room or turn  
12 around while Jalal-Kamali undressed, and Dr. Kelly did not provide Plaintiff Jalal-Kamali with  
13 any sort of standard medical modesty covering, such as a robe or lap draping, making Plaintiff feel  
14 exposed, vulnerable, and uncomfortable. Without saying a word about the details of the  
15 examination, the process, or what to expect, Dr. Kelly began examining and touching Jalal-  
16 Kamali’s genitalia with his hands for a prolonged amount of time. Dr. Kelly never explained the  
17 reason or necessity behind the genital examination, as the sexually transmitted infection for which  
18 Jalal-Kamali was concerned did not affect the genitalia, making Jalal-Kamali feel extremely  
19 unnerved, violated, and uncomfortable.

20           88. After the genital examination, Dr. Kelly insisted on performing a rectal  
21 examination. Plaintiff Jalal-Kamali felt so uncomfortable that he refused to allow the rectal  
22 examination to be performed.

23           89. In or around Spring of 2018, Plaintiff Jalal-Kamali made a follow-up appointment  
24 with USC Student Health Center because he was again interested in receiving PrEP as he was no  
25 longer in a monogamous relationship. He was again scheduled with Dr. Kelly. At the  
26 appointment, Dr. Kelly asked why Plaintiff Jalal-Kamali was no longer in a relationship,  
27 inquiring, “What happened? Did he cheat?” When Plaintiff Jalal-Kamali responded that the  
28 relationship simply did not work out, Dr. Kelly commented, “so you are hard to get along with?”

1 Dr. Kelly further condemned Plaintiff Jalal-Kamali's sexual behavior, made him feel ashamed for  
2 his actions, and caused him to feel unsafe and bad about himself and his sexual identity.

3 90. Plaintiff Jalal-Kamali felt so confused, shamed, and traumatized from his  
4 experience with Dr. Kelly that he became fearful of him and he avoided USC's Student Health  
5 Center for sexual health examinations thereafter. Dr. Kelly further made the process of obtaining  
6 PrEP so complicated and uncomfortable that Plaintiff Jalal-Kamali decided to pursue getting the  
7 medication at a health care facility other than USC.

8 91. Although he did not realize it at the time, Plaintiff Jalal-Kamali now knows that Dr.  
9 Kelly was not providing legitimate medical treatment to him but was instead sexually abusing him  
10 to further his own prurient desires and/or to discriminate, shame, humiliate, and embarrass him as  
11 a result of his sexual orientation and/or gender. As an international student, Plaintiff Jalal-Kamali  
12 did not know his rights or what was or was not medically proper, making him especially  
13 vulnerable to Dr. Kelly's misconduct.

14 92. Although Dr. Kelly's purported "medical examination" caused Plaintiff Jalal-  
15 Kamali to suffer embarrassment, humiliation, shame, pain, and discomfort, Plaintiff Jalal-Kamali  
16 trusted that Dr. Kelly was in fact conducting a legitimate medical procedure due to his position of  
17 authority as a physician employed by Defendant USC. Moreover, Plaintiff had no choice but to  
18 receive care from Dr. Kelly, as he was the only full-time men's health physician at Defendant  
19 USC's Student Health Center.

20 93. It was only after allegations regarding Dr. Kelly's sexual misconduct and  
21 discrimination became public in or around February 2019 that Plaintiff Jalal-Kamali realized that  
22 Dr. Kelly's treatment of him was not for a legitimate medical purpose but was rather sexual abuse  
23 committed to discriminate against him based on his sexual orientation and/or gender and/or for Dr.  
24 Kelly's own sexual gratification.

25 **PLAINTIFF ALLEN PEARCY GALEANA**

26 94. Plaintiff Allen Percy Galeana is a male who was born in 1996 and who currently  
27 resides in Los Angeles County, California. At the time of filing this Complaint, Plaintiff Percy  
28 Galeana is an undergraduate student at USC.

1           95.     In or around 2015, when Plaintiff Percy Galeana was a freshman at USC, in order  
2 to obtain a male sexual health examination as part of an ordinary medical health regimen,  
3 including standard testing for sexually transmitted diseases, Plaintiff Percy Galeana made an  
4 appointment with USC's Student Health Center. USC scheduled Plaintiff Percy Galeana with the  
5 only male sexual health doctor on staff at USC's Student Health Center, Dr. Kelly.

6           96.     Plaintiff Percy Galeana went to the USC Student Health Center for his  
7 appointment and was taken by USC staff to Dr. Kelly's office. As soon as Dr. Kelly closed the  
8 door to his office, Plaintiff Percy Galeana felt very uncomfortable. Dr. Kelly began asking  
9 Plaintiff Percy Galeana a series of invasive and uncomfortable questions regarding his sexual  
10 history and experiences, including whether he had sex with men, how many partners he had, the  
11 age group of his partners, whether he used dating apps, and the specific details about sexual acts in  
12 which he engaged. He also provided unsolicited instruction to Plaintiff Percy Galeana on how to  
13 perform sexual acts, including oral and anal sex.

14           97.     Throughout Dr. Kelly's questioning, he was condescending and judgmental,  
15 making Plaintiff Percy Galeana feel uncomfortable, violated, unsafe, and shamed for his sexual  
16 orientation and sexual practices. Plaintiff is informed and believes and thereon alleges that Dr.  
17 Kelly's questioning and commentary were designed to shame, humiliate, and control Plaintiff  
18 Percy Galeana so that he would be silenced and so that Dr. Kelly could continue the sexual abuse  
19 and discrimination of young gay and bisexual males at USC without restraint.

20           98.     Despite Plaintiff Percy Galeana's lack of symptoms and the fact that he had no  
21 concerns regarding his sexual health, Dr. Kelly insisted that Plaintiff Percy Galeana have a rectal  
22 and genital examination. Plaintiff Percy Galeana was alarmed that Dr. Kelly was insisting on  
23 such examinations given his lack of symptoms and lack of concerns, but Dr. Kelly maintained that  
24 the rectal examination was a standard and required examination.

25           99.     Dr. Kelly instructed Plaintiff Percy Galeana to pull down his pants and underwear  
26 and climb onto the examination table on his hands and knees. Dr. Kelly did not leave the room  
27 while Plaintiff Percy Galeana undressed, and Dr. Kelly did not provide Plaintiff Percy Galeana  
28

1 with any sort of standard medical modesty covering, such as a robe or lap draping, making  
2 Plaintiff Percy Galeana feel exposed and extremely uncomfortable.

3 100. Without saying a word about the details of the examination, the process, or what to  
4 expect, as Plaintiff Percy Galeana was on his hands and knees on the medical examination table  
5 undressed from the waist down, Plaintiff Percy Galeana suddenly felt a swab inserted into his  
6 rectum without warning. At no time during the rectal examination did Dr. Kelly explain what he  
7 was doing or why he was doing it. During the examination, Dr. Kelly was silent as Plaintiff  
8 Percy Galeana was splayed on his hands and knees without any drapery or covering, feeling  
9 exposed, humiliated, and distressed.

10 101. After the rectal examination, Dr. Kelly instructed Plaintiff Percy Galeana to turn  
11 over and lay flat on his back on the examination table. Once Plaintiff Percy Galeana was on his  
12 back, Dr. Kelly began examining and touching Plaintiff Percy Galeana's genitalia with his hands  
13 for a prolonged amount of time. Dr. Kelly never explained the reason or necessity behind the  
14 genital examination, making Plaintiff Percy Galeana feel extremely unnerved and uncomfortable.

15 102. Plaintiff Percy Galeana was forced to visit Dr. Kelly on two additional occasions  
16 in or around 2016 and 2017 for routine sexual health checkups, and on each occasion Dr. Kelly  
17 insisted on conducting prolonged rectal and genital examination and made Plaintiff Percy  
18 Galeana feel judged and shamed for his sexual activity and practices.

19 103. Although he did not realize it at the time, Plaintiff Percy Galeana now knows that  
20 Dr. Kelly was not providing legitimate medical treatment to him but was instead sexually abusing  
21 him to further his own prurient desires and/or to discriminate, shame, humiliate, and embarrass  
22 him as a result of his sexual orientation and/or gender.

23 104. Although Dr. Kelly's purported "medical examinations" caused Plaintiff Percy  
24 Galeana to suffer embarrassment, humiliation, shame, pain, and discomfort, and in reasonable  
25 reliance upon Defendant USC's active concealment of its knowledge that Dr. Kelly was a sexual  
26 predator and discriminated against men on the basis of their sexual orientation and/or gender,  
27 Plaintiff Percy Galeana trusted that Dr. Kelly was in fact conducting a legitimate medical  
28 procedure due to his position of authority as a physician employed by Defendant USC. Moreover,

1 Plaintiff Percy Galeana had no choice but to receive care from Dr. Kelly, as he was the only full-  
2 time men’s sexual health physician at Defendant USC’s Student Health Center.

3 105. Plaintiff Percy Galeana felt so confused, shamed, and traumatized from his  
4 experience with Dr. Kelly that he became fearful of Dr. Kelly and avoided USC’s Student Health  
5 Center for male sexual health examinations until he was informed that Dr. Kelly had resigned.

6 106. It was only after allegations regarding Dr. Kelly’s sexual misconduct and  
7 discrimination became public in or around February 2019 that Plaintiff Percy Galeana realized  
8 that Dr. Kelly’s treatment of him was not for a legitimate medical purpose but was rather sexual  
9 abuse committed to discriminate against him based on his sexual orientation and/or gender and/or  
10 for Dr. Kelly’s own sexual gratification.

11 **JOHN DOE 7**

12 107. Plaintiff John Doe 7 is a male who was born in 1996 and who currently resides in  
13 Los Angeles County, California. At the time of filing this Complaint, Plaintiff John Doe 7 is an  
14 undergraduate student at USC.

15 108. In or around April 2016, in order to obtain a male sexual health examination as part  
16 of an ordinary medical health regimen, including testing for sexually transmitted diseases, Plaintiff  
17 John Doe 7 made an appointment with USC’s Student Health Center. USC scheduled John Doe 7  
18 with the only male sexual health doctor on staff at USC’s Student Health Center, Dr. Kelly.

19 109. Plaintiff John Doe 7 went to his appointment and was taken by USC staff to Dr.  
20 Kelly’s private office. Dr. Kelly began asking Plaintiff John Doe 7 a series of invasive and  
21 uncomfortable questions regarding his sexual history and experiences, including whether he had  
22 sex with men, whether he was a “top or a bottom,” and how he met men, including whether he met  
23 men on dating apps like “Tinder,” “Scruff,” or “Grindr.” In response to Dr. Kelly’s questions as  
24 to whether he used dating apps, Plaintiff John Doe 7 responded that he had, to which Dr. Kelly  
25 responded, “You are putting yourself at risk of contracting HIV.” Dr. Kelly’s comment made  
26 John Doe 7 feel frightened, ashamed, embarrassed, and unsafe. John Doe 7 informed Dr. Kelly  
27 that he had participated in sexual activities with men, but that he had never been anally receptive  
28 and that he was in a monogamous relationship. Dr. Kelly responded that John Doe 7 could not

1 trust his boyfriend to be monogamous in their relationship because he was a gay man. Dr. Kelly's  
2 response made John Doe 7 feel hurt, judged, shamed, and confused. Throughout Dr. Kelly's  
3 questioning, he was condescending and judgmental, making Plaintiff John Doe 7 feel  
4 uncomfortable and unsafe. Plaintiff is informed and believes and thereon alleges that Dr. Kelly's  
5 questioning and commentary were designed to shame, humiliate, and control John Doe 7 so that  
6 he would be silenced and so that Dr. Kelly could continue the sexual abuse and discrimination of  
7 young gay and bisexual males at USC without restraint.

8 110. Despite Plaintiff John Doe 7's lack of symptoms, the fact that John Doe 7 had  
9 never been anally receptive, and the fact that John Doe 7 was in a monogamous relationship, Dr.  
10 Kelly insisted that John Doe 7 have a rectal examination. John Doe 7 was alarmed since he was  
11 only seeking routine STD testing. Dr. Kelly then led John Doe 7 to an examination room so that it  
12 was just John Doe 7 and Dr. Kelly in the room. Dr. Kelly then instructed Plaintiff John Doe 7 to  
13 pull down his pants and underwear and climb onto the examination table on his hands and knees.  
14 Dr. Kelly did not leave the room or turn around while John Doe 7 undressed. Dr. Kelly did not  
15 provide Plaintiff John Doe 7 with any sort of standard medical modesty covering, such as a robe  
16 or lap draping, and John Doe 7 did not feel like he could ask for privacy, making John Doe 7 feel  
17 exposed and uncomfortable.

18 111. Without saying a word about the details of the examination, the process, or what to  
19 expect, as John Doe 7 was on his hands and knees on the medical examination table undressed  
20 from the waist down, Plaintiff John Doe 7 suddenly felt a sharp pain as a swab or other device was  
21 inserted into his rectum without warning. Plaintiff John Doe 7 winced in pain and tensed up, but  
22 Dr. Kelly did not acknowledge his pain. The insertion of the swab or other device was so  
23 aggressive that it caused John Doe 7 to bleed.

24 112. The rectal examination continued for approximately five minutes, and at no time  
25 did Dr. Kelly explain what he was doing. During the examination, Dr. Kelly was silent as Plaintiff  
26 John Doe 7 was splayed on his hands and knees without any drapery or covering, feeling exposed,  
27 humiliated, and distressed. Although he did not realize it at the time, Plaintiff John Doe 7 now  
28 knows that Dr. Kelly was not providing legitimate medical treatment to him but was instead

1 sexually abusing him to further his own prurient desires and/or to discriminate, shame, humiliate,  
2 and embarrass him as a result of his sexual orientation and/or gender.

3 113. Although Dr. Kelly's purported "medical examination" caused John Doe 7 to suffer  
4 embarrassment, humiliation, shame, pain, and discomfort, and in reasonable reliance upon  
5 Defendant USC's active concealment of its knowledge that Dr. Kelly was a sexual predator and  
6 discriminated against men on the basis of their sexual orientation and/or gender, Plaintiff John  
7 Doe 7 trusted that Dr. Kelly was in fact conducting a legitimate medical procedure due to his  
8 position of authority as a physician employed by Defendant USC. Moreover, John Doe 7 had no  
9 choice but to receive care from Dr. Kelly, as he was the only full-time men's sexual health  
10 physician at Defendant USC's Student Health Center.

11 114. Plaintiff John Doe 7 felt so confused, shamed, and traumatized from his experience  
12 with Dr. Kelly in April 2016 that he became fearful of Dr. Kelly and avoided USC's Student  
13 Health Center for sexual health examinations, until Dr. Kelly had resigned in or around August  
14 2018.

15 115. It was only after allegations regarding Dr. Kelly's sexual misconduct and  
16 discrimination became public in or around February 2019 that Plaintiff John Doe 7 realized that  
17 Dr. Kelly's treatment of him was not for a legitimate medical purpose, but was rather sexual abuse  
18 committed to discriminate against him based on his sexual orientation and/or gender and/or for Dr.  
19 Kelly's own sexual gratification.

### 20 **JOHN DOE 8**

21 116. Plaintiff John Doe 8 is a male who was born in 1987 and currently resides in San  
22 Diego County, California. Plaintiff John Doe 8 was a graduate student at USC from 2010 to 2012.

23 117. In or around July 2011, in order to obtain a male sexual health examination related  
24 to symptoms John Doe 8 was experiencing pertaining to his sexual health, Plaintiff John Doe 8  
25 made an appointment with USC's Student Health Center. USC scheduled John Doe 8 with the  
26 only male sexual health doctor on staff at USC's Student Health Center, Dr. Kelly.

27 118. John Doe 8 was taken by USC staff to Dr. Kelly's exam room where Dr. Kelly  
28 began asking Plaintiff John Doe 8 a series of invasive and uncomfortable questions regarding his

1 sexual history and experiences, including whether he had sex with men, whether he was a “top or  
2 a bottom” or both, whether he used sex toys, whether he shared sex toys with others, whether sex  
3 toys he used belonged to someone else, whether he watched pornography, whether he had ever  
4 been paid for sex, whether he had ever paid for sex, and how he met men, including whether he  
5 met men on dating apps. John Doe 8 told Dr. Kelly that he always practiced safe sex and used  
6 condoms. Despite John Doe 8’s safe practices, Dr. Kelly told John Doe 8 that using dating apps  
7 would lead to the spread of disease. Dr. Kelly’s comments and questions made John Doe 8 feel  
8 frightened, ashamed, embarrassed, and unsafe. Dr. Kelly further asked John Doe 8 whether he had  
9 ever used his mouth to touch another man’s rectum, to which John Doe 8 answered that he had.  
10 Dr. Kelly responded, “So, you enjoy rim jobs?” Dr. Kelly’s question alarmed John Doe 8 and  
11 made him feel embarrassed, ashamed, and uncomfortable. Throughout Dr. Kelly’s questioning, he  
12 was condescending and judgmental, making Plaintiff John Doe 8 feel uncomfortable, unsafe, and  
13 shamed for his sexual orientation and activities. Plaintiff is informed and believes and thereon  
14 alleges that Dr. Kelly’s questioning and commentary were designed to shame, humiliate, and  
15 control John Doe 8 so that he would be silenced and so that Dr. Kelly could continue the sexual  
16 abuse and discrimination of young gay and bisexual males at USC without restraint.

17           119. After Dr. Kelly’s extensive invasive questioning, Dr. Kelly insisted that John Doe 8  
18 have a rectal examination. Dr. Kelly led John Doe 8 to an examination room so that it was just  
19 John Doe 8 and Dr. Kelly in the room. Dr. Kelly then instructed Plaintiff John Doe 8 to remove  
20 his pants and underwear and climb onto the examination table on his hands and knees. Dr. Kelly  
21 did not leave the room or turn around while John Doe 8 undressed. Dr. Kelly did not provide  
22 Plaintiff John Doe 8 with any sort of standard medical modesty covering, such as a robe or lap  
23 draping, and John Doe 8 did not feel like he could ask for privacy, making John Doe 8 feel  
24 exposed and uncomfortable.

25           120. Once John Doe 8 was on the examination table, without saying a word, Dr. Kelly  
26 began using his hands to push John Doe 8’s back down lower towards the examination table, pull  
27 John Doe 8’s hips and buttocks closer to him, and spread John Doe 8’s legs further apart. John  
28 Doe 8 was alarmed and distressed at Dr. Kelly’s invasive physical contact without explanation or

1 warning. Dr. Kelly then instructed John Doe 8 to use his hands to pull back his buttocks so that  
2 Dr. Kelly could “get a better view.” Without warning or explanation, Dr. Kelly suddenly  
3 penetrated Plaintiff John Doe 8’s anus with an unknown apparatus, causing Plaintiff John Doe 8 to  
4 suffer pain and discomfort. The rectal examination continued for over a minute, and at no point  
5 during the examination did Dr. Kelly explain to John Doe 8 what he was doing or what to expect,  
6 except to tell John Doe 8 to “relax,” making John Doe 8 feel extremely uncomfortable, distressed,  
7 and embarrassed.

8 121. Plaintiff John Doe 8 saw Dr. Kelly on over a dozen occasions from 2011 through  
9 2012. During each of these sexual health examinations at Defendant USC’s Student Health  
10 Center, Dr. Kelly instructed John Doe 8 to undress in front of him without offering any privacy or  
11 covering, instructed him to get on “all fours” on the examination table, and insisted on a rectal  
12 examination in which he painfully forced an unknown apparatus into his anus. Although he did  
13 not realize it at the time, Plaintiff John Doe 8 now knows that Dr. Kelly was not providing  
14 legitimate medical treatment to him but was instead sexually abusing him to further his own  
15 prurient desires and/or to discriminate, shame, humiliate, and embarrass him as a result of his  
16 sexual orientation and/or gender.

17 122. Although Dr. Kelly’s purported “medical examination” caused John Doe 8 to suffer  
18 embarrassment, humiliation, shame, pain, and discomfort, and in reasonable reliance upon  
19 Defendant USC’s active concealment of its knowledge that Dr. Kelly was a sexual predator and  
20 discriminated against men on the basis of their sexual orientation and/or gender, Plaintiff John  
21 Doe 8 trusted that Dr. Kelly was in fact conducting a legitimate medical procedure due to his  
22 position of authority as a physician employed by Defendant USC. Moreover, John Doe 8 had no  
23 choice but to receive care from Dr. Kelly, as he was the only full-time men's sexual health  
24 physician at Defendant USC's Student Health Center.

25 123. Plaintiff John Doe 8 felt so confused, shamed, and traumatized from his experience  
26 with Dr. Kelly in 2011 to 2012 that he became fearful of Dr. Kelly and avoided USC’s Student  
27 Health Center for sexual health examinations thereafter.

28



1           128. Despite Plaintiff John Doe 9's lack of symptoms and the fact that John Doe 9 had  
2 recently had a routine physical examination, Dr. Kelly insisted that John Doe 9 have a rectal  
3 examination. John Doe 9 was alarmed that Dr. Kelly was insisting on a rectal examination since  
4 his previous visits for routine STD testing with other healthcare professionals had never involved  
5 a rectal examination. Dr. Kelly then led John Doe 9 to an examination room so that it was just  
6 John Doe 9 and Dr. Kelly in the room. Dr. Kelly instructed Plaintiff John Doe 9 to pull down his  
7 pants and underwear and climb onto the examination table on his hands and knees. Dr. Kelly did  
8 not leave the room or turn around; rather, he watched Plaintiff John Doe 9 while he undressed.  
9 Dr. Kelly did not provide Plaintiff John Doe 9 with any sort of standard medical modesty  
10 covering, such as a robe or lap draping, and John Doe 9 did not feel like he could ask for privacy,  
11 making John Doe 9 feel exposed and uncomfortable.

12           129. Without saying a word about the details of the examination, the process, or what to  
13 expect, as John Doe 9 was on his hands and knees on the medical examination table undressed  
14 from the waist down, Plaintiff John Doe 9 suddenly felt a swab or other object inserted into his  
15 rectum without warning. The rectal examination continued for approximately one minute, and at  
16 no time did Dr. Kelly explain what he was doing or why he was doing it. During the examination,  
17 Dr. Kelly was silent as Plaintiff John Doe 9 was splayed on his hands and knees without any  
18 drapery or covering, feeling exposed, humiliated, and distressed.

19           130. After the rectal examination, Dr. Kelly instructed John Doe 9 to turn over and lay  
20 flat on his back on the examination table. John Doe 9 complied. Once John Doe 9 was on his  
21 back, Dr. Kelly began examining and touching John Doe 9's genitalia with his hands for a  
22 prolonged amount of time. Dr. Kelly never explained the reason or necessity behind the genital  
23 examination, making John Doe 9 feel extremely unnerved and uncomfortable. Plaintiff John Doe  
24 9 was healthy and had no symptoms or concerns in which a genital examination would have been  
25 necessary.

26           131. In or around May 2018, only approximately one month after his first appointment  
27 with Dr. Kelly and after his STD testing came back negative, John Doe 9 made an appointment  
28 with USC's Student Health Center because he was interested in obtaining a prescription for PrEP.

1 Plaintiff John Doe 9 was again scheduled with Dr. Kelly for this visit. When John Doe 9 told Dr.  
2 Kelly he was interested in obtaining a prescription for PrEP, Dr. Kelly was extremely judgmental  
3 and advised against the prescription, informing John Doe 9 that in lieu of getting PrEP, he should  
4 make different “lifestyle choices.” Dr. Kelly told John Doe 9 that if he wanted a prescription for  
5 PrEP, John Doe 9 would have to undergo the same testing he had just undergone the month  
6 before. Because John Doe 9 understood this to mean that he would be subjected to the same  
7 intrusive physical touching, including penetration of his rectum and a prolonged genital  
8 examination, John Doe 9 decided not to move forward with getting a prescription for PrEP from  
9 USC’s Student Health Center.

10 132. Although he did not realize it at the time, Plaintiff John Doe 9 now knows that Dr.  
11 Kelly was not providing legitimate medical treatment to him but was instead sexually abusing him  
12 to further his own prurient desires and/or to discriminate, shame, humiliate, and embarrass him as  
13 a result of his sexual orientation and/or gender.

14 133. Although Dr. Kelly’s purported “medical examination” caused John Doe 9 to suffer  
15 embarrassment, humiliation, shame, pain, and discomfort, and in reasonable reliance upon  
16 Defendant USC’s active concealment of its knowledge that Dr. Kelly was a sexual predator and  
17 discriminated against men on the basis of their sexual orientation and/or gender, Plaintiff John  
18 Doe 9 trusted that Dr. Kelly was in fact conducting a legitimate medical procedure due to his  
19 position of authority as a physician employed by Defendant USC. Moreover, John Doe 9 had no  
20 choice but to receive care from Dr. Kelly, as he was the only full-time men’s sexual health  
21 physician at Defendant USC’s Student Health Center. Plaintiff John Doe 9 attempted to obtain  
22 care elsewhere at a nearby clinic, but he was consistently unable to get an appointment.

23 134. Plaintiff John Doe 9 felt so confused, shamed, and traumatized from his experience  
24 with Dr. Kelly that he became fearful of Dr. Kelly and avoided USC’s Student Health Center for  
25 male sexual health examinations.

26 135. It was only after allegations regarding Dr. Kelly’s sexual misconduct and  
27 discrimination became public in or around February 2019 that John Doe 9 realized that Dr. Kelly’s  
28 treatment of him was not for a legitimate medical purpose but was rather sexual abuse committed

1 to discriminate against him based on his sexual orientation and/or gender and/or for Dr. Kelly's  
2 own sexual gratification.

3 **JOHN DOE 10**

4 136. Plaintiff John Doe 10 is a male who was born in 1980 and who currently resides in  
5 Los Angeles County, California. Plaintiff John Doe 10 was an undergraduate student at USC from  
6 approximately 1998 to 2002.

7 137. In or around 1999 or 2000, in order to obtain a male sexual health examination as  
8 part of an ordinary medical health regimen, including testing for sexually transmitted diseases,  
9 Plaintiff John Doe 10 made an appointment with USC's Student Health Center. USC scheduled  
10 John Doe 10 with the head of the men's health clinic at USC's Student Health Center, Dr. Kelly.

11 138. Plaintiff John Doe 10 went to his appointment and was taken by USC staff to Dr.  
12 Kelly's private office and conjoined examination room. Dr. Kelly began asking Plaintiff John Doe  
13 10 a series of invasive and uncomfortable questions regarding his sexual history and experiences,  
14 including whether he had sex with men, what his preferred sexual position was, and whether he  
15 masturbated often. Dr. Kelly's questions and comments regarding John Doe 10's responses made  
16 John Doe 10 feel, judged, shamed, uncomfortable and confused. John Doe 10 also observed that  
17 Dr. Kelly seemed to be getting some sort of personal gratification from asking questions and  
18 getting answers about specific details of John Doe 10's sex life. Throughout Dr. Kelly's  
19 questioning, he was condescending and judgmental, making Plaintiff John Doe 10 feel  
20 uncomfortable and unsafe.

21 139. Despite Plaintiff John Doe 10's lack of symptoms while undergoing a routine  
22 examination, Dr. Kelly insisted that John Doe 10 have a "prostate exam," explaining that it was  
23 absolutely important that John Doe 10 get in the habit of getting a prostate exam as an important  
24 aspect of men's health. John Doe 10 trusted that Dr. Kelly was in fact requesting to conduct a  
25 necessary medical procedure due to his position of authority as a physician employed by  
26 Defendant USC. Dr. Kelly then instructed Plaintiff John Doe 10 to pull down his pants and  
27 underwear and climb onto the examination table on his hands and knees and was further instructed  
28 to lower his upper body towards the examination table so that his buttocks was up in the air. Dr.

1 Kelly did not leave the room or turn around while John Doe 10 undressed. Dr. Kelly did not  
2 provide Plaintiff John Doe 10 with any sort of standard medical modesty covering, such as a robe  
3 or lap draping, and John Doe 10 did not feel like he could ask for privacy, making John Doe 10  
4 feel exposed and uncomfortable.

5 140. John Doe 10 was on his hands and knees on the medical examination table  
6 undressed from the waist down and facing away from Dr. Kelly who explained that he was going  
7 to insert his finger into his rectum and put pressure on his prostate. Plaintiff John Doe 10 suddenly  
8 felt Dr. Kelly insert his finger into John Doe 10's rectum as his fingers felt around and pressed  
9 down hard on his anus and prostate enough to ensure that a type of bodily fluid was released from  
10 his penis which Dr. Kelly said would be sent to the laboratory for testing.

11 141. The "prostate exam" lasted for approximately one minute. During the examination,  
12 Dr. Kelly was silent as Plaintiff John Doe 10 was splayed on his hands and knees without any  
13 drapery or covering, feeling exposed, humiliated, and distressed. Although he did not realize it at  
14 the time, Plaintiff John Doe 10 now knows that Dr. Kelly was not providing legitimate medical  
15 treatment to him but was instead sexually abusing him to further his own prurient desires and/or to  
16 discriminate, shame, humiliate, and embarrass him as a result of his sexual orientation and/or  
17 gender.

18 142. Because Dr. Kelly was the doctor in charge of the men's health clinic and there  
19 were no alternatives that specialized in men's health, Plaintiff John Doe 10 was forced to visit Dr.  
20 Kelly on several other occasions during his time as an undergraduate student for his routine sexual  
21 health checkups. During each occasion, Dr. Kelly condemned Plaintiff John Doe 10's sexual  
22 behavior, made him feel ashamed for his actions, and caused him to feel unsafe and bad about  
23 himself and his sexual identity.

24 143. Although he did not realize it at the time, Plaintiff John Doe 10 now knows that Dr.  
25 Kelly was not providing legitimate medical treatment to him but was instead sexually abusing him  
26 to further his own prurient desires and/or to discriminate, shame, humiliate, and embarrass him as  
27 a result of his sexual orientation and/or gender.

28



1 including detailed questions about John Doe 11's sex life in general, whether he had sex with men,  
2 the types of men he had sex with, how he met men, where he met men, how sexually active he was  
3 with his partners, and the specific sexual acts he did and did not engage in with his partners.  
4 When John Doe 11 answered Dr. Kelly's questions, Dr. Kelly made vulgar and offensive  
5 comments about John Doe 11 being promiscuous.

6 150. Throughout Dr. Kelly's questioning, he was condescending and judgmental,  
7 making Plaintiff John Doe 11 feel uncomfortable, unsafe, and shamed for his sexual orientation  
8 and sexual practices. Plaintiff is informed and believes and thereon alleges that Dr. Kelly's  
9 questioning and commentary were designed to shame, humiliate, and control John Doe 11 so that  
10 he would be silenced and so that Dr. Kelly could continue the sexual abuse and discrimination of  
11 young gay and bisexual males at USC without restraint.

12 151. Despite John Doe 11's lack of symptoms and the fact that John Doe 11 had not  
13 engaged in any anal receptive sexual activity with any individuals, all of which John Doe 11  
14 communicated to Dr. Kelly, Dr. Kelly insisted that John Doe 11 have a rectal examination. John  
15 Doe 11 was alarmed that Dr. Kelly was insisting on such an examination given his lack of  
16 symptoms and lack of sexual activity, but Dr. Kelly maintained that the rectal examination was a  
17 standard and required examination.

18 152. Dr. Kelly instructed Plaintiff John Doe 11 to pull down his pants and underwear  
19 and climb onto the examination table on his hands and knees. Dr. Kelly did not leave the room  
20 while John Doe 11 undressed, and Dr. Kelly did not provide Plaintiff John Doe 11 with any sort of  
21 standard medical modesty covering, such as a robe or lap draping, making John Doe 11 feel  
22 exposed and extremely uncomfortable.

23 153. Without saying a word about the details of the examination, the process, or what to  
24 expect, as John Doe 11 was on his hands and knees on the medical examination table undressed  
25 from the waist down, Plaintiff John Doe 11 suddenly felt a circular device inserted into his rectum  
26 without warning followed by a long cotton swab. The rectal examination continued for  
27 approximately one minute, and at no time did Dr. Kelly explain what he was doing or why he was  
28 doing it. During the examination, Dr. Kelly was silent as Plaintiff John Doe 11 was splayed on his

1 hands and knees without any drapery or covering, feeling exposed, humiliated, and distressed.  
2 Although he did not realize it at the time, Plaintiff John Doe 11 now knows that Dr. Kelly was not  
3 providing legitimate medical treatment to him but was instead sexually abusing him to further his  
4 own prurient desires and/or to discriminate, shame, humiliate, and embarrass him as a result of his  
5 sexual orientation and/or gender.

6 154. Although Dr. Kelly's purported "medical examination" caused John Doe 11 to  
7 suffer embarrassment, humiliation, shame, pain, and discomfort, and in reasonable reliance upon  
8 Defendant USC's active concealment of its knowledge that Dr. Kelly was a sexual predator and  
9 discriminated against men on the basis of their sexual orientation and/or gender, Plaintiff John  
10 Doe 11 trusted that Dr. Kelly was in fact conducting a legitimate medical procedure due to his  
11 position of authority as a physician employed by Defendant USC. Moreover, John Doe 11 had no  
12 choice but to receive care from Dr. Kelly, as he was the only full-time men's sexual health  
13 physician at Defendant USC's Student Health Center.

14 155. Plaintiff John Doe 11 felt so confused, shamed, and traumatized from his  
15 experience with Dr. Kelly that he became fearful of Dr. Kelly and avoided USC's Student Health  
16 Center for male sexual health examinations.

17 156. It was only after allegations regarding Dr. Kelly's sexual misconduct and  
18 discrimination became public in or around February 2019 that John Doe 11 realized that Dr.  
19 Kelly's treatment of him was not for a legitimate medical purpose but was rather sexual abuse  
20 committed to discriminate against him based on his sexual orientation and/or gender and/or for Dr.  
21 Kelly's own sexual gratification.

#### 22 **JOHN DOE 12**

23 157. Plaintiff John Doe 12 is a male who was born in 1985 and currently resides in Los  
24 Angeles, California. Plaintiff John Doe 12 was an undergraduate student at USC from  
25 approximately 2004 to 2008.

26 158. In or around 2006, while Plaintiff John Doe 12 was a student at USC, he made an  
27 appointment with USC's Student Health Center for a routine standard sexual health check-up and  
28 STD testing. This was the first sexual health appointment that Plaintiff John Doe 12 had ever had,

1 and the first doctor's appointment he had been to without a parent present. Moreover, Plaintiff  
2 John Doe 12 had only recently had sexual activities for the first time and still had not "come out"  
3 as gay to his family. USC scheduled John Doe 12 with the only male sexual health doctor on staff  
4 at USC's Student Health Center, Dr. Kelly.

5 159. John Doe 12 went to the USC Student Health Center for his appointment. He was  
6 taken by USC staff to an examination room. Dr. Kelly entered the room shortly thereafter so that  
7 it was just John Doe 12 and Dr. Kelly in the room. After entering the room, Dr. Kelly began  
8 asking John Doe 12 a series of invasive and uncomfortable questions regarding his sexual history,  
9 including whether he had ever had sex with men, whether he gave his sexual partner a "blow job,"  
10 whether he had participated in anilingus with his sexual partner, and whether he was a "top or a  
11 bottom." John Doe 12 informed Dr. Kelly that he had participated in sexual activities with men  
12 but was not having anal sex, and that he had no symptoms or concerns related to his sexual health.  
13 When Dr. Kelly began asking for details and descriptions of what sexual activities had been  
14 performed on John Doe 12 and what sexual activities John Doe 12 had performed on his sexual  
15 partners, John Doe 12 interrupted, saying "I'm just here for the test." Dr. Kelly demanded, "You  
16 have to tell me these things, I need to know." Feeling like he had no choice, feeling even more  
17 ashamed of his sexual practices, and due to his inexperience with sexual health visits, John Doe 12  
18 relented. Dr. Kelly continued his inappropriate questioning of Plaintiff John Doe 12 and informed  
19 him that his sexual activities were putting him at high risk for contracting sexually transmitted  
20 diseases and that, as a result, he would have to perform a physical exam on John Doe 12. Dr.  
21 Kelly's invasive questioning, baseless admonishments, and harsh judgmental tone made John Doe  
22 12 feel uncomfortable, unsafe, and shamed for his sexual orientation. Plaintiff is informed and  
23 believes and thereon alleges that Dr. Kelly's questioning and commentary were designed to  
24 shame, humiliate, and control John Doe 12 so that he would be silenced and so that Dr. Kelly  
25 could continue the sexual abuse and discrimination of young gay and bisexual males at USC  
26 without restraint.

27 160. Dr. Kelly then instructed Plaintiff John Doe 12 to undress and climb onto the  
28 examination table and with his hands together and elbows and legs spread apart. When John Doe

1 12 stood standing in shock and confusion, Dr. Kelly instructed John Doe 12 to get into a “doggy-  
2 style” position. Dr. Kelly did not leave the room or turn around but instead watched while John  
3 Doe 12 undressed from the waist down, and Dr. Kelly did not provide Plaintiff John Doe 12 with  
4 any sort of standard medical modesty covering, such as a robe or lap draping, and John Doe 12 did  
5 not feel like he could ask for privacy, making John Doe 12 feel exposed and uncomfortable.

6 161. Without saying a word about the details of the examination, the process, or what to  
7 expect, as John Doe 12 was on his hands and knees on the medical examination table undressed  
8 from the waist down with his head facing the wall, Plaintiff John Doe 12 suddenly felt Dr. Kelly  
9 insert his lubricated fingers inside his rectum. The rectal examination continued for approximately  
10 one minute, and at no time did Dr. Kelly explain what he was doing or why. During the  
11 examination, Dr. Kelly was silent as Plaintiff John Doe 12 was splayed on his hands and knees  
12 without any drapery or covering, feeling exposed, humiliated, and distressed.

13 162. Plaintiff John Doe 12 was forced to visit Dr. Kelly on several other occasions  
14 during his time as an undergraduate student for his routine sexual health checkups, several of  
15 which included the same physical examination and rectal penetration. During each occasion, Dr.  
16 Kelly condemned Plaintiff John Doe 12’s sexual behavior, made him feel ashamed for his actions,  
17 and caused him to feel unsafe and bad about himself and his sexual identity. During one of  
18 Plaintiff John Doe 12’s visits, Dr. Kelly also began examining and touching John Doe 12’s penis  
19 and scrotum with his hands for a prolonged period of time. During another visit in which Plaintiff  
20 John Doe 12’s sought testing and treatment for a urinary tract infection, Dr. Kelly insisted upon  
21 conducting a physical examination of Plaintiff John Doe 12’s genitalia, which included Dr. Kelly  
22 touching John Doe 12’s penis with his hands.

23 163. Although he did not realize it at the time, Plaintiff John Doe 12’s now knows that  
24 Dr. Kelly was not providing legitimate medical treatment to him but was instead sexually abusing  
25 him to further his own prurient desires and/or to discriminate, shame, humiliate, and embarrass  
26 him as a result of his sexual orientation and/or gender.

27 164. Although Dr. Kelly’s purported “medical examination” caused John Doe 12 to  
28 suffer embarrassment, humiliation, shame, pain, and discomfort, and in reasonable reliance upon

1 Defendant USC's active concealment of its knowledge that Dr. Kelly was a sexual predator and  
2 discriminated against men on the basis of their sexual orientation and/or gender, Plaintiff John  
3 Doe 12 trusted that Dr. Kelly was in fact conducting a legitimate medical procedure due to his  
4 position of authority as a physician employed by Defendant USC. Moreover, John Doe 12 had no  
5 choice but to receive care from Dr. Kelly, as he was the only full-time men's sexual health  
6 physician at Defendant USC's Student Health Center.

7 165. It was only in or around December 2018, when discussing the scandal regarding  
8 USC and its former gynecologist George Tyndall with a friend who was a medical resident at the  
9 time and who informed him that the examinations John Doe 12 had received were not medically  
10 necessary, that John Doe 12 realized for the first time that Dr. Kelly's actions were not for a  
11 legitimate medical purpose, but rather were purely motivated by his own prurient desire to  
12 sexually abuse him for his own sexual gratification and/or discriminate against him based on his  
13 sexual orientation and/or gender.

#### 14 **JOHN DOE 13**

15 166. Plaintiff John Doe 13 is a male who was born in 1986 and currently resides in Los  
16 Angeles County, California. Plaintiff John Doe 13 was a part-time undergraduate student at USC  
17 from 2004 to 2009 and returned to USC in 2014 to finish his degree.

18 167. In or around December 2009, John Doe 13 made an appointment with USC's  
19 Student Health Center related to symptoms he was experiencing pertaining to his sexual health.  
20 USC scheduled John Doe 13 to see a physician's assistant for diagnoses and treatment. On  
21 December 1, 2009, John Doe 13 saw the physician's assistant at the USC Student Health Center,  
22 who examined, diagnosed and treated John Doe 13 for an infection. Shortly after this treatment,  
23 Plaintiff John Doe 13's symptoms completely resolved.

24 168. After his appointment on December 1, 2009, Plaintiff John Doe 13 received  
25 correspondence from USC's Student Health Center informing him that he would need to be seen  
26 again. USC scheduled John Doe 13 on December 14, 2009 with the only male sexual health  
27 doctor on staff at USC's Student Health Center, Dr. Kelly.

28

1           169. Plaintiff John Doe 13 went to his appointment on December 14, 2009 and was  
2 taken by USC staff to an examination room. When John Doe 13 asked why he was being called  
3 back in for an appointment, Dr. Kelly explained that the physician's assistant had not conducted  
4 the examination the way Dr. Kelly would have conducted it. He further told him that he needed to  
5 conduct a more thorough examination. Dr. Kelly then began asking Plaintiff John Doe 13 a series  
6 of invasive and uncomfortable questions regarding his sexual history and experiences, including  
7 detailed information as to what sexual practices he engaged in, whether he used sex toys, and  
8 whether he had sex with men, to which John Doe 13 responded that he did. Throughout Dr.  
9 Kelly's questioning, he was condescending and judgmental, making Plaintiff John Doe 13 feel  
10 uncomfortable and unsafe. Plaintiff is informed and believes and thereon alleges that Dr. Kelly's  
11 questioning and commentary were designed to shame, humiliate, and control John Doe 13 so that  
12 he would be silenced and so that Dr. Kelly could continue the sexual abuse and discrimination of  
13 young gay and bisexual males at USC without restraint.

14           170. Despite Plaintiff John Doe 13's lack of symptoms and the fact that his previous  
15 issues had fully resolved, Dr. Kelly insisted that John Doe 13 submit to an HIV test, vaccination  
16 for Hepatitis C, and a rectal examination. Dr. Kelly instructed Plaintiff John Doe 13 to pull down  
17 his pants and underwear and climb onto the examination table on his hands and knees. Dr. Kelly  
18 did not leave the room or turn around while John Doe 13 undressed. Dr. Kelly did not provide  
19 Plaintiff John Doe 13 with any sort of standard medical modesty covering, such as a robe or lap  
20 draping, and John Doe 13 did not feel like he could ask for privacy or protest the exam, making  
21 John Doe 13 feel exposed, uncomfortable, and extremely nervous.

22           171. Without saying a word about the details of the examination, the process, or what to  
23 expect, as John Doe 13 was on his hands and knees on the medical examination table undressed  
24 from the waist down, Plaintiff John Doe 13 suddenly felt Dr. Kelly lubricate his anus and insert a  
25 device into his rectum without warning.

26           172. The rectal examination continued for approximately one minute, and at no time did  
27 Dr. Kelly explain what he was doing or why he was doing it. During the examination, Dr. Kelly  
28 was silent as Plaintiff John Doe 13 was splayed on his hands and knees without any drapery or

1 covering, feeling exposed, humiliated, and distressed. Although he did not realize it at the time,  
2 Plaintiff John Doe 13 now knows that Dr. Kelly was not providing legitimate medical treatment to  
3 him but was instead sexually abusing him to further his own prurient desires and/or to  
4 discriminate, shame, humiliate, and embarrass him as a result of his sexual orientation and/or  
5 gender.

6 173. Although Dr. Kelly’s purported “medical examination” caused John Doe 13 to  
7 suffer embarrassment, humiliation, shame, pain, and discomfort, and in reasonable reliance upon  
8 Defendant USC’s active concealment of its knowledge that Dr. Kelly was a sexual predator and  
9 discriminated against men on the basis of their sexual orientation and/or gender, Plaintiff John  
10 Doe 13 trusted that Dr. Kelly was in fact conducting a legitimate medical procedure due to his  
11 position of authority as a physician employed by Defendant USC. Moreover, John Doe 13 had no  
12 choice but to receive care from Dr. Kelly, as he was the only full-time men's sexual health  
13 physician at Defendant USC's Student Health Center.

14 174. Plaintiff John Doe 13 felt so confused, shamed, and traumatized from his  
15 experience with Dr. Kelly in or around December 2009 that he became fearful of Dr. Kelly and  
16 never forgot his name, even long after having graduated from USC. The “#MeToo Movement”  
17 and USA Gymnastics sex abuse scandal were constant reminders of John Doe’s experience with  
18 Dr. Kelly.

19 175. It was only after allegations regarding Dr. Kelly’s sexual misconduct and  
20 discrimination became public in or around February 2019 that Plaintiff John Doe 13 realized that  
21 Dr. Kelly’s treatment of him was not for a legitimate medical purpose but was rather sexual abuse  
22 committed to discriminate against him based on his sexual orientation and/or gender and/or for Dr.  
23 Kelly’s own sexual gratification.

#### 24 **JOHN DOE 14**

25 176. Plaintiff John Doe 14 is a male who was born in 1997 and who currently resides in  
26 Los Angeles County, California. At the time of filing this Complaint, Plaintiff John Doe 14 is an  
27 undergraduate student at USC.  
28

1           177. In or around March 2017, in order to obtain a male sexual health examination as  
2 part of an ordinary medical health regimen, including to obtain a prescription for pre-exposure  
3 prophylaxis (PrEP) medication, Plaintiff John Doe 14 made an appointment with USC's Student  
4 Health Center. USC scheduled John Doe 14 with the only male sexual health doctor on staff at  
5 USC's Student Health Center, Dr. Kelly. USC informed John Doe 14 that Dr. Kelly was the only  
6 provider at USC who could prescribe PrEP.

7           178. Plaintiff John Doe 14 went to his appointment and was taken by USC staff to Dr.  
8 Kelly's private office. Dr. Kelly began asking Plaintiff John Doe 14 a series of invasive and  
9 uncomfortable questions regarding his sexual history and experiences, including whether he had  
10 sex with men, whether he was a "top or a bottom," how he met men, and graphic questions about  
11 sex toy use, including asking for the specific brand and type of toys he used and whether he used  
12 them with partners. He also asked John Doe 14 to provide him with details about any instances of  
13 having multiple partners at the same time. Dr. Kelly told John Doe 14 that his questions were  
14 from the standard questionnaire he was required to use to prescribe PrEP. When John Doe 14 told  
15 Dr. Kelly his sexual history, including that his partners were men, Dr. Kelly responded that John  
16 Doe 14 was at "extreme high risk" and that John Doe 14 would have to submit to a physical  
17 examination, despite having no symptoms or concerns related to his sexual health. Dr. Kelly's  
18 questions and comments made John Doe 14 feel hurt, judged, shamed, and confused. Throughout  
19 Dr. Kelly's questioning, he was condescending and judgmental, making Plaintiff John Doe 14 feel  
20 uncomfortable and unsafe. Plaintiff is informed and believes and thereon alleges that Dr. Kelly's  
21 questioning and commentary were designed to shame, humiliate, and control John Doe 14 so that  
22 he would be silenced and so that Dr. Kelly could continue the sexual abuse and discrimination of  
23 young gay and bisexual males at USC without restraint.

24           179. Dr. Kelly led John Doe 14 to an examination room so that it was just John Doe 14  
25 and Dr. Kelly in the room. Dr. Kelly then instructed Plaintiff John Doe 14 to pull down his pants  
26 and underwear and climb onto the examination table and lay flat on his back. Dr. Kelly did not  
27 leave the room or turn around while John Doe 14 undressed. John Doe 14 did not feel like he  
28 could ask for privacy, making John Doe 14 feel exposed and uncomfortable. Once John Doe 14

1 was on his back, Dr. Kelly began examining and touching John Doe 14's genitalia with his hands  
2 for a prolonged amount of time. Dr. Kelly never explained the reason or necessity behind the  
3 genital examination, making John Doe 14 feel extremely unnerved and uncomfortable.

4 180. Dr. Kelly then instructed Plaintiff John Doe 14 to turn around and get onto his  
5 hands and knees on the examination table. Without saying a word about the details of the  
6 examination, the process, or what to expect, as John Doe 14 was on his hands and knees on the  
7 medical examination table, Plaintiff John Doe 14 suddenly felt a sharp pain as a swab or other  
8 device was inserted into his rectum without warning.

9 181. The rectal examination continued for approximately 2 minutes, and at no time did  
10 Dr. Kelly explain what he was doing or why he was doing it. During the examination, Dr. Kelly  
11 was silent as Plaintiff John Doe 14 was splayed on his hands and knees with his buttocks and anus  
12 exposed, feeling exposed, humiliated, and distressed. Although he did not realize it at the time,  
13 Plaintiff John Doe 14 now knows that Dr. Kelly was not providing legitimate medical treatment to  
14 him but was instead sexually abusing him to further his own prurient desires and/or to  
15 discriminate, shame, humiliate, and embarrass him as a result of his sexual orientation and/or  
16 gender.

17 182. Plaintiff John Doe 14 was forced to visit Dr. Kelly five to six times before Dr.  
18 Kelly retired in August 2018 for his routine checkups to renew his prescription for PrEP. At  
19 almost every appointment, Dr. Kelly insisted on performing the same physical examination and  
20 rectal penetration even though John Doe 14 always told Dr. Kelly that he did not have symptoms  
21 or concerns related to his sexual health. During each visit, Dr. Kelly condemned Plaintiff John  
22 Doe 14's sexual behavior, made him feel ashamed for his actions, and caused him to feel unsafe  
23 and bad about himself and his sexual identity.

24 183. Although he did not realize it at the time, Plaintiff John Doe 14 now knows that Dr.  
25 Kelly was not providing legitimate medical treatment to him but was instead sexually abusing him  
26 to further his own prurient desires and/or to discriminate, shame, humiliate, and embarrass him as  
27 a result of his sexual orientation and/or gender.

28



1 had ever licked his anus, and whether he was “a top or bottom.” John Doe 15 informed Dr. Kelly  
2 that he had no symptoms or concerns related to his sexual health and that he had never been anally  
3 receptive. When John Doe 15 said that he had received anilingus, Dr. Kelly began lecturing John  
4 Doe 15 in a judgmental and shaming manner, including saying that John Doe 15’s sexual activity  
5 with men put him at a high risk for diseases. Dr. Kelly’s response made John Doe 15 feel hurt,  
6 judged, shamed, and confused. Throughout Dr. Kelly’s questioning, he was condescending and  
7 judgmental, making Plaintiff John Doe 15 feel uncomfortable and unsafe. Plaintiff is informed  
8 and believes and thereon alleges that Dr. Kelly’s questioning and commentary were designed to  
9 shame, humiliate, and control John Doe 15 so that he would be silenced and so that Dr. Kelly  
10 could continue the sexual abuse and discrimination of young gay and bisexual males at USC  
11 without restraint.

12 190. Notwithstanding John Doe 15’s lack of symptoms or concerns and the fact that  
13 John Doe 15 had never received anal sex, Dr. Kelly insisted that John Doe 15 submit to a physical  
14 examination. John Doe 15 had never had a rectal examination before, however, this was John Doe  
15 15’s first men’s sexual health examination and one of the first doctor visits he had attended as an  
16 adult without a parent present, and he trusted that Dr. Kelly was in fact going to conduct a  
17 legitimate medical procedure due to his position of authority as a physician employed by  
18 Defendant USC.

19 191. Dr. Kelly instructed John Doe 15 to remove his pants and underwear and get on his  
20 hands and knees on the examination table. Dr. Kelly did not leave the room or turn around but  
21 instead watched while John Doe 15 undressed from the waist down, and Dr. Kelly did not provide  
22 Plaintiff John Doe 15 with any sort of standard medical modesty covering, such as a robe or lap  
23 draping, and John Doe 15 did not feel like he could ask for privacy, making John Doe 15 feel  
24 exposed and uncomfortable.

25 192. Then, without any explanation or warning, Dr. Kelly penetrated John Doe 15 with  
26 an unknown metal apparatus and/or his fingers, and simultaneously leaned in to whisper in John  
27 Doe 15’s ear and said, “how often do you let your partner cum in you?” John Doe 15 understood  
28 this to be a rhetorical question and was horrified and confused, especially since he had already told

1 Dr. Kelly that he had never been anally receptive. John Doe 15 remained silent and did not  
2 answer while Dr. Kelly continued to probe his rectum with an unknown object for a prolonged  
3 period of time.

4 193. The rectal examination continued for approximately one minute, and at no time did  
5 Dr. Kelly explain what he was doing or what the examination entailed. Aside from whispering  
6 this disturbing comment, Dr. Kelly was completely silent during the examination as Plaintiff John  
7 Doe 15 was splayed on his hands and knees without any drapery or covering, feeling exposed,  
8 humiliated, and distressed. Following his visit, Dr. Kelly never sent John Doe 15 any test results  
9 or called him to inform him of any test results. Although he did not realize it at the time, Plaintiff  
10 John Doe 15 now knows that Dr. Kelly was not providing legitimate medical treatment to him but  
11 was instead sexually abusing him to further his own prurient desires and/or to discriminate, shame,  
12 humiliate, and embarrass him because of his sexual orientation and/or gender.

13 194. Although Dr. Kelly's purported "medical examination" caused John Doe 15 to  
14 suffer embarrassment, humiliation, shame, pain, and discomfort, and in reasonable reliance upon  
15 Defendant USC's active concealment of its knowledge that Dr. Kelly was a sexual predator and  
16 discriminated against men on the basis of their sexual orientation and/or gender, Plaintiff John  
17 Doe 15 trusted that Dr. Kelly was in fact conducting a legitimate medical procedure due to his  
18 position of authority as a physician employed by Defendant USC. Moreover, John Doe 15 had no  
19 choice but to receive sexual health care from Dr. Kelly, as he was the only full-time men's sexual  
20 health physician at Defendant USC's Student Health Center.

21 195. Plaintiff John Doe 15 felt so confused, shamed, and traumatized from his  
22 experience with Dr. Kelly that he became fearful of Dr. Kelly and never returned to USC's  
23 Student Health Center for male sexual health examinations again.

24 196. It was only after May 2018, after the Los Angeles Times published an article  
25 exposing USC's gynecologist George Tyndall of rampant sexual abuse of female students for  
26 decades at USC, and USC's knowledge and concealment of such abuse, and discussing his  
27 experience with Dr. Kelly with a friend, that John Doe 15 realized that Dr. Kelly's treatment of  
28 him was not for a legitimate medical purpose, but was rather sexual abuse committed to

1 discriminate against him based on his sexual orientation and/or gender and/or for Dr. Kelly's own  
2 sexual gratification.

3 **JOHN DOE 16**

4 197. Plaintiff John Doe 16 is a male who was born in 1998 and currently resides in Los  
5 Angeles County, California. At the time of filing this Complaint, Plaintiff John Doe 16 is an  
6 undergraduate student at USC.

7 198. In or around October 2017, in order to obtain a male sexual health examination as  
8 part of an ordinary medical health regimen, including testing for sexually transmitted diseases,  
9 Plaintiff John Doe 16 made an appointment with USC's Student Health Center. USC scheduled  
10 John Doe 16 with the only male sexual health doctor on staff at USC's Student Health Center, Dr.  
11 Kelly. This was John Doe 16's first sexual wellness visit after engaging in sexual activity with a  
12 man.

13 199. John Doe 16 was taken by USC staff to Dr. Kelly's examination room where it was  
14 just Dr. Kelly and Plaintiff John Doe 16 in the room. Dr. Kelly began asking Plaintiff John Doe  
15 16 a series of invasive and uncomfortable questions regarding his sexual history and experiences,  
16 including whether he had sex with men, whether he used sex toys, and whether he met men on  
17 dating apps such as "Grindr." Dr. Kelly also commented that Plaintiff John Doe 16 was engaged  
18 in risky behavior and was at risk for diseases. Throughout Dr. Kelly's questioning, he was prying,  
19 condescending, and judgmental, making Plaintiff John Doe 16 feel uncomfortable and unsafe.  
20 Plaintiff is informed and believes and thereon alleges that Dr. Kelly's questioning and  
21 commentary were designed to shame, humiliate, and control John Doe 16 so that he would be  
22 silenced and so that Dr. Kelly could continue the sexual abuse and discrimination of young males  
23 at USC without restraint.

24 200. Despite Plaintiff John Doe 16's lack of symptoms and lack of concerns regarding  
25 his sexual health, Dr. Kelly insisted that John Doe 16 have a rectal and genital examination. John  
26 Doe 16 was alarmed that Dr. Kelly was insisting on such examinations, but he complied since Dr.  
27 Kelly represented that the examinations were standard and necessary.

28

1           201. Dr. Kelly instructed Plaintiff John Doe 16 to pull down his pants and underwear.  
2 Dr. Kelly did not leave the room or turn around while Plaintiff John Doe 16 undressed. Dr. Kelly  
3 did not provide Plaintiff John Doe 16 with any sort of standard medical modesty covering, such as  
4 a robe or lap draping, and John Doe 16 did not feel like he could ask for privacy, making John  
5 Doe 16 feel exposed and uncomfortable. Dr. Kelly began examining and touching John Doe 16's  
6 genitalia with his hands for a prolonged amount of time, making John Doe 16 feel extremely  
7 uncomfortable and unnerved. Dr. Kelly never explained the reason or necessity behind the genital  
8 examination.

9           202. Dr. Kelly then instructed Plaintiff John Doe 16 to climb onto the examination table  
10 on his hands and knees. Without saying a word about the details of the examination, the process,  
11 or what to expect, as John Doe 16 was on his hands and knees on the medical examination table  
12 undressed from the waist down, Plaintiff John Doe 16 suddenly felt a swab or other object inserted  
13 into his rectum without warning. At no time during the rectal examination did Dr. Kelly explain  
14 what he was doing or why he was doing it. During the examination, Dr. Kelly was silent as  
15 Plaintiff John Doe 16 was splayed on his hands and knees without any drapery or covering, feeling  
16 exposed, humiliated, and distressed. Plaintiff John Doe 16 attempted to dispel some of the tension  
17 by making a joke during the examination, but Dr. Kelly did not respond and remained silent,  
18 making John Doe 16 feel even more humiliated and uncomfortable.

19           203. Although he did not realize it at the time, Plaintiff John Doe 16 now knows that Dr.  
20 Kelly was not providing legitimate medical treatment to him but was instead sexually abusing him  
21 to further his own prurient desires and/or to discriminate, shame, humiliate, and embarrass him as  
22 a result of sexual orientation and/or gender.

23           204. Although Dr. Kelly's purported "medical examination" caused John Doe 16 to  
24 suffer embarrassment, humiliation, shame, pain, and discomfort, and in reasonable reliance upon  
25 Defendant USC's active concealment of its knowledge that Dr. Kelly was a sexual predator and  
26 discriminated against men on the basis of their sexual orientation and/or gender, Plaintiff John  
27 Doe 16 trusted that Dr. Kelly was in fact conducting a legitimate medical procedure due to his  
28 position of authority as a physician employed by Defendant USC. Moreover, John Doe 16 had no

1 choice but to receive care from Dr. Kelly, as he was the only full-time men’s sexual health  
2 physician at Defendant USC’s Student Health Center.

3 205. It was only after allegations regarding Dr. Kelly’s sexual misconduct and  
4 discrimination became public in or around February 2019 that John Doe 16 realized that Dr.  
5 Kelly’s treatment of him was not for a legitimate medical purpose but was rather sexual abuse  
6 committed to discriminate against him based on sexual orientation and/or gender and/or for Dr.  
7 Kelly’s own sexual gratification.

8 **JOHN DOE 17**

9 206. Plaintiff John Doe 17 is a male who was born in 1998 and who currently resides in  
10 Los Angeles County, California. At the time of filing this Complaint, Plaintiff John Doe 17 is an  
11 undergraduate student at USC.

12 207. In or around August 2017, in order to obtain a male sexual health examination as  
13 part of an ordinary medical health regimen and to renew his prescription for pre-exposure  
14 prophylaxis (PrEP), Plaintiff John Doe 17 made an appointment with USC’s Student Health  
15 Center. After a Physician’s Assistant ordered laboratory tests for sexually transmitted infections  
16 and all test results came back negative, USC scheduled John Doe 17 with the only male sexual  
17 health doctor on staff at USC’s Student Health Center, Dr. Kelly, to review the results and renew  
18 his prescription for PrEP. This was the first doctor’s appointment Plaintiff John Doe 17 had made  
19 as a student at USC.

20 208. Plaintiff John Doe 17 went to his appointment and was first taken to Dr. Kelly’s  
21 private office where Dr. Kelly began asking Plaintiff John Doe 17 a series of invasive and  
22 uncomfortable questions regarding his sexual history and experiences, including whether he had  
23 sex with men, how he met men, whether he met men on dating apps like “Grindr,” and how  
24 frequently he met with different men. Plaintiff John Doe 17 informed Dr. Kelly that he had used  
25 dating apps, to which Dr. Kelly responded, “anonymous hookups increase your risk of STDs” and  
26 “using Grindr is risky as a practice.” Plaintiff John Doe 17 was taken aback that Dr. Kelly was  
27 repeatedly characterizing his use of a dating app as participating in “anonymous hookups,” which  
28 he had not done and which he reiterated to Dr. Kelly multiple times. John Doe 17 protested Dr.

1 Kelly's characterization, stating, "all that should matter is whether I am doing an act with  
2 someone, not whether I use the app." Dr. Kelly responded, "Grindr is the new bathhouses" and  
3 warned him, "risky actions can affect your health." In response to being asked how many times  
4 Plaintiff John Doe 17 recently engaged in different forms of sexual activity with different men, Dr.  
5 Kelly retorted "you've had an exceptionally high number of partners." Dr. Kelly's comments  
6 caused John Doe 17 to feel angry and confused because John Doe 17 did not consider his behavior  
7 risky, he did not engage in "anonymous hookups," and he felt Dr. Kelly's comments were not  
8 directed at any specific medical concern but rather made as a personal denigration with the intent  
9 to shame.

10 209. Dr. Kelly's comments made John Doe 17 feel ashamed, embarrassed, and  
11 uncomfortable for his sexual orientation and practices. Throughout Dr. Kelly's questioning, he  
12 was condescending and judgmental, making Plaintiff John Doe 17 feel humiliated and unsafe.  
13 Plaintiff is informed and believes and thereon alleges that Dr. Kelly's questioning and  
14 commentary were designed to shame, humiliate, and control John Doe 17 so that he would be  
15 silenced and so that Dr. Kelly could continue the sexual abuse and discrimination of young gay  
16 and bisexual males at USC without restraint.

17 210. Despite Plaintiff John Doe 17's lack of symptoms or concerns regarding his sexual  
18 health, and the fact that all of laboratory results for sexually transmitted infections came back  
19 normal before the appointment, Dr. Kelly insisted that John Doe 17 have a physical examination  
20 before refilling his prescription for PrEP. John Doe 17 protested and asked whether a physical  
21 examination was really necessary considering he had no symptoms or concerns related to his  
22 sexual health, had never had an STD before, and all the doctors he had seen to get routine testing  
23 for PrEP in the past did not require a physical examination. However, Dr. Kelly insisted that it  
24 was necessary for him to conduct a physical examination. John Doe 17 felt like he had no choice  
25 but to undergo the physical examination and so he relented.

26 211. Dr. Kelly next led John Doe 17 from his private office to an examination room so  
27 that it was just John Doe 17 and Dr. Kelly in the examination room. Dr. Kelly instructed Plaintiff  
28 John Doe 17 to undress from the waist down. Dr. Kelly did not leave the room or turn around

1 while John Doe 17 undressed. Dr. Kelly did not provide Plaintiff John Doe 17 with any sort of  
2 standard medical modesty covering, such as a robe or lap draping, and John Doe 17 did not feel  
3 like he could ask for privacy, making John Doe 17 feel exposed, vulnerable, and uncomfortable.

4 212. Without saying a word about the details of the examination, the process, or what to  
5 expect, Dr. Kelly began using his hands, feeling John Doe 17's penis and scrotum with his fingers,  
6 and looking at his genitalia for a prolonged period of time, making John Doe 17 extremely  
7 uncomfortable and distressed.

8 213. Dr. Kelly then instructed John Doe 17 to get on the examination table on his hands  
9 and knees with his legs spread apart. As John Doe 17 was on his hands and knees on the medical  
10 examination table facing away from Dr. Kelly and undressed from the waist down, without any  
11 warning, Plaintiff John Doe 17 suddenly felt Dr. Kelly's fingers feeling around his anus. As the  
12 physical examination continued, at no time did Dr. Kelly explain what he was doing or why he  
13 was doing it. During the examination, Dr. Kelly was silent as Plaintiff John Doe 17 was splayed  
14 on his hands and knees without any drapery or covering, feeling exposed, humiliated, and  
15 distressed. Although he did not realize it at the time, Plaintiff John Doe 17 now knows that Dr.  
16 Kelly was not providing legitimate medical treatment to him but was instead sexually abusing him  
17 to further his own prurient desires and/or to discriminate, shame, humiliate, and embarrass him as  
18 a result of his sexual orientation and/or gender.

19 214. Although Dr. Kelly's purported "medical examinations" caused John Doe 17 to  
20 suffer embarrassment, humiliation, shame, pain, and discomfort, and in reasonable reliance upon  
21 Defendant USC's active concealment of its knowledge that Dr. Kelly was a sexual predator and  
22 discriminated against men on the basis of their sexual orientation and/or gender, Plaintiff John  
23 Doe 17 trusted that Dr. Kelly was in fact conducting a legitimate medical procedure due to his  
24 position of authority as a physician employed by Defendant USC. Moreover, John Doe 17 had no  
25 choice but to receive care from Dr. Kelly, as he was the only full-time men's sexual health  
26 physician at Defendant USC's Student Health Center.

27 \\\

28 \\\



1 and thereon alleges that Dr. Kelly's questioning and commentary were designed to shame,  
2 humiliate, and control John Doe 18 so that he would be silenced and so that Dr. Kelly could  
3 continue the sexual abuse and discrimination of young gay and bisexual males at USC without  
4 restraint.

5         220. Despite Plaintiff John Doe 18's lack of symptoms or concerns regarding his sexual  
6 health, Dr. Kelly insisted that John Doe 18 have a rectal examination. Dr. Kelly then led John  
7 Doe 18 to an examination room so that it was just John Doe 18 and Dr. Kelly in the room. Dr.  
8 Kelly then instructed Plaintiff John Doe 18 to undress from the waist down and climb onto the  
9 examination table on his hands and knees. Dr. Kelly did not leave the room or turn around while  
10 John Doe 18 undressed, and Dr. Kelly did not provide Plaintiff John Doe 18 with any sort of  
11 standard medical modesty covering, such as a robe or lap draping, and John Doe 18 did not feel  
12 like he could ask for privacy, making John Doe 18 feel exposed and uncomfortable.

13         221. Without saying a word about the details of the examination, the process, or what to  
14 expect, as John Doe 18 was on his hands and knees on the medical examination table undressed  
15 from the waist down, Plaintiff John Doe 18 suddenly felt a sharp pain as a swab or other object  
16 was inserted deep into his rectum without warning. John Doe 18 was in pain as Dr. Kelly inserted  
17 the swab or other object in his rectum in what felt like was as deep as the swab or other object  
18 could go and John Doe 18 felt the swab or other object press against his prostate, for what felt like  
19 was approximately 15 seconds.

20         222. As the rectal examination continued, and at no time did Dr. Kelly explain what he  
21 was doing. During the examination, Dr. Kelly was silent as Plaintiff John Doe 18 was splayed on  
22 his hands and knees without any drapery or covering, feeling exposed, humiliated, and distressed.  
23 Although he did not realize it at the time, Plaintiff John Doe 18 now knows that Dr. Kelly was not  
24 providing legitimate medical treatment to him but was instead sexually abusing him to further his  
25 own prurient desires and/or to discriminate, shame, humiliate, and embarrass him as a result of his  
26 sexual orientation and/or gender.

27         223. Plaintiff John Doe 18 saw Dr. Kelly at Defendant USC's Student Health Center a  
28 few months later for another routine exam. During this visit, Dr. Kelly again instructed John Doe

1 18 to undress in front of him without offering any privacy or covering, instructed him to get on  
2 “all fours” on the examination table, and insisted on a rectal examination in which he forced a  
3 swab or other apparatus into his rectum.

4 224. Although Dr. Kelly’s purported “medical examinations” caused John Doe 18 to  
5 suffer embarrassment, humiliation, shame, pain, and discomfort, and in reasonable reliance upon  
6 Defendant USC’s active concealment of its knowledge that Dr. Kelly was a sexual predator and  
7 discriminated against men on the basis of their sexual orientation and/or gender, Plaintiff John  
8 Doe 18 trusted that Dr. Kelly was in fact conducting a legitimate medical procedure due to his  
9 position of authority as a physician employed by Defendant USC. Moreover, John Doe 18 had no  
10 choice but to receive sexual health care from Dr. Kelly, as he was the only full-time men’s sexual  
11 health physician at Defendant USC’s Student Health Center.

12 225. Plaintiff John Doe 18 felt so confused, shamed, and traumatized from his  
13 experience with Dr. Kelly in 2016 that he became fearful of Dr. Kelly and avoided seeing him at  
14 USC’s Student Health Center again for male sexual health examinations.

15 226. It was only after allegations regarding Dr. Kelly’s sexual misconduct and  
16 discrimination became public in or around February 2019 that Plaintiff John Doe 18 realized that  
17 Dr. Kelly’s treatment of him was not for a legitimate medical purpose, but was rather sexual abuse  
18 committed to discriminate against him based on his sexual orientation and/or gender and/or for Dr.  
19 Kelly’s own sexual gratification.

#### 20 **JOHN DOE 19**

21 227. Plaintiff John Doe 19 is a male who was born in 1992 and currently resides in Los  
22 Angeles County, California. Plaintiff John Doe 19 was an undergraduate student at USC from  
23 2014 to 2016.

24 228. In or around October 2014, in order to obtain a male sexual health examination  
25 related to symptoms John Doe 19 was experiencing pertaining to his sexual health, Plaintiff John  
26 Doe 19 made an appointment with USC’s Student Health Center. USC scheduled John Doe 19  
27 with the only male sexual health doctor on staff at USC’s Student Health Center, Dr. Kelly. This  
28

1 was John Doe 19's first male sexual health examination, and his first doctor's appointment since  
2 moving out of his family home to attend college.

3           229. Plaintiff John Doe 19 went to his appointment and was taken by USC staff to Dr.  
4 Kelly's examination room where Dr. Kelly asked about John Doe 19's general symptoms and  
5 sexual experience, to which John Doe 19 responded that he had recently had a sexual encounter  
6 with another man. Dr. Kelly then instructed Plaintiff John Doe 19 to remove his pants and  
7 underwear. Dr. Kelly did not leave the room while John Doe 19 undressed in front of him, and  
8 Dr. Kelly did not provide Plaintiff John Doe 19 with any sort of standard medical modesty  
9 covering, such as a robe or lap draping, making John Doe 19 feel exposed, vulnerable, and  
10 extremely uncomfortable. Dr. Kelly then immediately began conducting a physical examination  
11 on John Doe 19's genitalia using his hands and a swab without providing explanations for what he  
12 was doing.

13           230. After the physical examination, Dr. Kelly then led John Doe 19 back to his private  
14 office where he began asking Plaintiff John Doe 19 a series of invasive and uncomfortable  
15 questions regarding his sexual history and experiences, including how he met men, and whether he  
16 met men on dating apps like Grindr. John Doe 19 told Dr. Kelly that he had used Grindr, to which  
17 Dr. Kelly responded, "What are you doing on that app?" and remarked, "I don't know what it is  
18 with your generation," and further remarked, "It's disgusting." When John Doe 19 informed Dr.  
19 Kelly that he had participated in oral sex with a man, Dr. Kelly commented that performing any  
20 act of oral sex would likely result in the transmission of STDs. Dr. Kelly's comments and  
21 questions made John Doe 19 feel ashamed, embarrassed, and unsafe. Throughout Dr. Kelly's  
22 questioning, he was condescending and judgmental. Plaintiff is informed and believes and  
23 thereon alleges that Dr. Kelly's questioning and commentary were designed to shame, humiliate,  
24 and control John Doe 19 so that he would be silenced and so that Dr. Kelly could continue the  
25 sexual abuse and discrimination of young gay and bisexual males at USC without restraint.

26           231. Although he did not realize it at the time, Plaintiff John Doe 19 now knows that Dr.  
27 Kelly was not conducting a legitimate medical examination but was instead sexually abusing him  
28

1 to further his own prurient desires and/or to discriminate, shame, humiliate, and embarrass him as  
2 a result of his sexual orientation and/or gender.

3 232. Although Dr. Kelly's purported "medical examination" caused John Doe 19 to  
4 suffer embarrassment, humiliation, shame, pain, and discomfort, and in reasonable reliance upon  
5 Defendant USC's active concealment of its knowledge that Dr. Kelly was a sexual predator and  
6 discriminated against men on the basis of their sexual orientation and/or gender, Plaintiff John  
7 Doe 19 trusted that Dr. Kelly was in fact conducting a legitimate medical procedure due to his  
8 position of authority as a physician employed by Defendant USC. Moreover, John Doe 19 had no  
9 choice but to receive care from Dr. Kelly, as he was the only full-time men's sexual health  
10 physician at Defendant USC's Student Health Center.

11 233. Plaintiff John Doe 19 felt so confused, shamed, and traumatized from his  
12 experience with Dr. Kelly in October 2014 that he became fearful of Dr. Kelly and insisted upon  
13 seeing a different doctor at USC's Student Health Center for sexual health examinations.

14 234. It was only after allegations regarding Dr. Kelly's sexual misconduct and  
15 discrimination became public in or around February 2019 that Plaintiff John Doe 19 realized that  
16 Dr. Kelly's treatment of him was not for a legitimate medical purpose, but was rather sexual abuse  
17 committed to discriminate against him based on his sexual orientation and/or gender and/or for Dr.  
18 Kelly's own sexual gratification.

19 **FACTUAL ALLEGATIONS RELEVANT TO ALL PARTIES**

20 235. Plaintiffs were young male gay or bisexual undergraduate students at USC when  
21 they were subjected to the unlawful behavior by Dr. Kelly, as described herein. Many were  
22 inexperienced in the kinds of intimate examinations that gave rise to the claims asserted herein.

23 236. Plaintiffs are informed and believe and thereon allege that Dr. Kelly received his  
24 medical degree in 1972 from the University of Pittsburgh School of Medicine, and he received his  
25 medical license on March 20, 1974. Plaintiffs are further informed and believe and thereon allege  
26 that Defendant USC thereafter hired Dr. Kelly as a full-time physician to address men's sexual  
27 health at its Student Health Center later known as the Engemann Student Health Center.

28

1           237. Plaintiffs are informed and believe and thereon allege that during his tenure at  
2 USC, Dr. Kelly sexually abused and molested dozens of young male gay and bisexual students,  
3 including Plaintiffs, through the use of his position, power, authority, and trust as the only full-  
4 time men's health specialist employed by USC Student Health Services. At all times alleged  
5 herein, Dr. Kelly was an employee, agent, and/or servant of Defendant USC and Does 1 through  
6 100, and/or was under their complete control and/or direct supervision.

7           238. Plaintiffs are informed and believe and thereon allege that Dr. Kelly was retained as  
8 a men's health physician to provide medical care and treatment to young men attending USC as  
9 undergraduate and graduate students, most of whom were very young adults and many of whom  
10 had never had any sexual health visits prior to attending USC. It was through this position of trust  
11 and confidence that Dr. Kelly exploited Plaintiffs in perpetrating his sexual abuse and battery upon  
12 Plaintiffs and discriminating against Plaintiffs based on their sexual orientation and/or gender.  
13 Plaintiffs are informed and believe and thereon allege that all of the sexually abusive, harassing,  
14 and discriminatory conduct alleged herein was done to satisfy Dr. Kelly's own prurient sexual  
15 desires and/or to shame, humiliate, and embarrass Plaintiffs as a result of their sexual orientation.

16           239. Plaintiffs are informed and believe and thereon allege that in hiring Dr. Kelly as its  
17 only full-time men's sexual health physician, Defendant USC gave Dr. Kelly full power, control,  
18 and authority to treat and provide men's sexual health medical care to its undergraduate and  
19 graduate students. By continuing to employ Dr. Kelly, USC held Dr. Kelly out to be a  
20 professional and legitimate men's health physician.

21           240. Plaintiffs are informed and believe and thereon allege that at all times relevant  
22 herein, Defendant USC owned, operated, maintained, controlled, and staffed its Student Health  
23 Center later known as the Engemann Student Health Center. Defendant USC promoted its Student  
24 Health Center as a safe place where students could obtain high quality medical treatment, and  
25 USC encouraged men to receive regular sexual health checkups to ensure their health and  
26 wellness.

27           241. Plaintiffs are informed and believe and thereon allege that at all times relevant  
28 herein, Plaintiffs were under Defendants USC, Dr. Kelly, and Does 1 through 100's complete

1 control, dominion, and supervision when they were subjected to the discriminatory behavior and  
2 sexual misconduct of Dr. Kelly as described herein.

3 242. All Plaintiffs were undergraduate students and paid for health services at USC.  
4 Defendant USC caused them to be directed to its Student Health Center later known as the  
5 Engemann Student Health Center for, among other things, men's sexual health care. The Student  
6 Health Center assigned these Plaintiffs to see Dr. Kelly for any and all examinations, treatment,  
7 testing, and/or concerns related to their sexual health. Some of the Plaintiffs had never received  
8 any examination, treatment, or testing related to their sexual health before seeing Dr. Kelly.  
9 Plaintiffs put their full trust and confidence in Dr. Kelly, assuming his advice, conduct, and  
10 treatment during the examinations were necessary and appropriate.

11 243. At all times relevant herein, a special relationship arose among Defendants USC  
12 and Dr. Kelly, acting on its own or through the Student Health Center, on the one hand, and each  
13 Plaintiff, on the other hand, and Defendants stood in the position of a fiduciary toward each of the  
14 Plaintiffs by virtue of (1) the patient-health care provider relationship that arose; (2) the superior  
15 knowledge that Defendants possessed with respect to standards of care, discriminatory conduct,  
16 and allegations against Dr. Kelly; and (3) each Plaintiff's dependence upon the Defendants for  
17 information regarding their treatment.

18 244. Plaintiffs are informed and believe and thereon allege that because of the  
19 relationship between Plaintiffs and Defendants, Defendants had an obligation and a duty under the  
20 law to, among other things, make a full and fair disclosure to each Plaintiff of all facts which  
21 materially affected his rights and interests and to disclose to each Plaintiff the full extent of Dr.  
22 Kelly's discriminatory and sexual misconduct and/or Defendant USC's errors, omissions, and  
23 concealments related to Dr. Kelly's discriminatory and sexual misconduct. Additionally, each  
24 Plaintiff had the right to make an informed decision about whether to subject himself to treatment  
25 by Dr. Kelly.

26 245. Plaintiffs are further informed and believe and thereon allege that because of the  
27 relationship between Plaintiffs and Defendants, Defendants had an obligation and duty under the  
28 law not to hide material facts and information about Dr. Kelly's past sexual misconduct and

1 discrimination. Defendant USC failed to fulfill its fiduciary duty to disclose Dr. Kelly's wrongful  
2 actions. Additionally, Defendants had an affirmative duty to warn, inform, and institute  
3 appropriate protective measures to safeguard patients who were reasonably likely to come in  
4 contact with Dr. Kelly. Defendants willfully refused to notify, give adequate warning, or  
5 implement appropriate safeguards, and that failure was willful, intentional, and in reckless  
6 disregard for the Plaintiffs' respective rights and safety. That failure was the product of Defendant  
7 USC's selfish desire to promote or preserve its own reputation and revenues without regard for the  
8 Plaintiffs' rights, choices, and safety.

9         246. Plaintiffs are informed and believe and thereon allege that during Dr. Kelly's  
10 employment with Defendant USC, Dr. Kelly discriminated against, sexually battered, abused,  
11 harassed and engaged in other unlawful behavior with young male gay and bisexual students,  
12 other than Plaintiffs, who saw Dr. Kelly for treatment, examinations, and/or consultations.  
13 Plaintiffs are informed and believe and thereon allege that young male gay and bisexual students  
14 other than Plaintiffs made complaints to USC regarding Dr. Kelly's misconduct, but USC failed to  
15 take any action related to such complaints.

16         247. Plaintiffs are informed and believe and thereon allege that Defendant USC knew,  
17 should have known, and/or were put on notice of Dr. Kelly's past sexual abuse and discrimination  
18 toward young gay and bisexual male students, and USC intentionally failed to take any  
19 appropriate action to protect gay and bisexual male students from unlawful behavior by Dr. Kelly  
20 in order to protect the reputation and revenues of USC and to avoid legal liability.

21         248. Plaintiffs are further informed and believe and thereon allege that Defendant USC  
22 concealed the fact that gay and bisexual male students had complained about Dr. Kelly in order to  
23 protect the revenues and reputation of USC and to avoid legal liability.

24         249. Plaintiffs are informed and believe and thereon allege that Defendants failed to  
25 implement reasonable safeguards to avoid acts of unlawful sexual misconduct and discrimination  
26 by Dr. Kelly in the future, including avoiding placement of Dr. Kelly in a position where contact  
27 and interaction with vulnerable patients and students is an inherent function.

28

1           250. Plaintiffs are informed and believe and thereon allege that Defendants failed to  
2 adequately train and supervise all staff to create a positive and safe environment, specifically  
3 including training to perceive, report, and stop inappropriate sexual misconduct and discrimination  
4 by other members and staff. Plaintiffs are informed and believe and thereon allege that  
5 Defendants failed to adopt and implement safety measures, policies, and procedures designed to  
6 protect patients such as Plaintiffs from sexually exploitative and discriminatory acts by  
7 Defendants' agents and employees.

8           251. Plaintiffs are informed and believe and thereon allege that Defendants USC and Dr.  
9 Kelly entered into a conspiracy, the object of which was to conceal the fact that students and/or  
10 Defendant USC employees had complained of sexually improper behavior and discriminatory  
11 behavior by Dr. Kelly, to conceal the fact that Dr. Kelly had been known to sexually batter gay  
12 and bisexual male patients, and to enable Dr. Kelly to continue practicing medicine without  
13 restriction.

14           252. Plaintiffs are informed and believe and thereon allege that Defendants USC and Dr.  
15 Kelly conspired to conceal Defendant USC's negligence in supervising Dr. Kelly and acted in  
16 furtherance of that conspiracy. Plaintiffs are further informed and believe and thereon allege that  
17 in furtherance of that conspiracy, Defendant USC and Dr. Kelly ensured that complaints of sexual  
18 misconduct, suspected sexual misconduct, or discrimination by Dr. Kelly towards male gay and  
19 bisexual patients were effectively ignored, inadequately investigated, or falsely found to be  
20 without merit.

21           253. Plaintiffs are informed and believe and thereon allege that in furtherance of the  
22 above conspiracy, rather than reporting Dr. Kelly to any legal authorities and/or the California  
23 Medical Board, and/or the students and staff at USC, including Plaintiffs, Defendant USC sought  
24 to preserve its reputation and ensure that USC's fundraising efforts were not adversely affected,  
25 and actively concealed and allowed Dr. Kelly to continue his abuse, harassment, and  
26 discrimination of young male gay and bisexual students at USC.

27           254. It was not until after media reports, including a publication by the Los Angeles  
28 Times in May 2018 exposing USC's gynecologist Dr. George Tyndall of rampant sexual abuse of

1 female students for decades at USC, and USC's concealment and knowledge of such sexual abuse,  
2 that Plaintiffs became aware that Dr. Kelly's behavior during their examinations was unlawful and  
3 not for a legitimate medical purpose and that his actions during the examination were committed  
4 to discriminate against them based on their sexual orientation and/or gender and/or for Dr. Kelly's  
5 own prurient interests and sexual gratification.

6       255. Plaintiffs are informed and believe and thereon allege that Defendant USC engaged  
7 in a pattern and practice of ignoring complaints, failing to investigate sexual abuse and  
8 discrimination complaints, deliberately concealing information from victims, and contributed to a  
9 sexually hostile and discriminatory environment on campus at USC. Plaintiffs are further  
10 informed and believe and thereon allege that USC had and continues to have a pattern and practice  
11 of putting their profits, reputation, and prospect of financial gain over the health, safety, and well-  
12 being of its students. For example, according to media reports which emerged in or around the  
13 summer of 2018, Plaintiffs are informed and believe and thereon allege that Defendant USC knew  
14 of gynecologist Dr. George Tyndall's sexual abuse of female students since at least 1990 or 1991  
15 when female patients, students, and USC employees complained about Dr. George Tyndall's  
16 inappropriate sexual misconduct. Plaintiffs are informed and believe and thereon allege that  
17 instead of informing students of Dr. George Tyndall's behavior, reporting him to the California  
18 Medical Board, reporting him to legal authorities, or terminating his position at USC, USC  
19 actively concealed Dr. George Tyndall's unlawful behavior, allowed Dr. George Tyndall to  
20 continue treating patients for decades, and permitted Dr. George Tyndall to quietly resign his  
21 position and paid him a generous monetary settlement in or about June 2017.

22       256. Plaintiffs are informed and believe and thereon allege that it was not until after such  
23 media reports in or around May 2018 that Plaintiffs realized that USC similarly failed to take  
24 appropriate action with respect to complaints regarding Dr. Kelly, failed to protect its students  
25 from Dr. Kelly's conduct, allowed Dr. Kelly to continue treating patients for years, and actively  
26 concealed complaints of Dr. Kelly's misconduct.

27       257. In subjecting Plaintiffs to the wrongful treatment described herein, Defendants Dr.  
28 Kelly, USC, and Does 1 through 100 acted willfully and maliciously with the intent to harm

1 Plaintiffs and in conscious disregard of Plaintiffs' rights and safety so as to constitute malice  
2 and/or oppression under Civil Code section 3294. Plaintiffs are informed and believe and thereon  
3 allege that Defendants, under the authority as an educational institution and medical provider,  
4 acted with reckless disregard for the concern of its student-patients in its charge in order to  
5 maintain funding and further financially benefit its business's growth. Plaintiffs are further  
6 informed and believe and thereon allege that Defendants acted intentionally in creating an  
7 environment of sexual abuse and discrimination, in putting its vulnerable young students at risk of  
8 harm, and in ignoring warning signs and complaints about ongoing sexual abuse and  
9 discrimination, all to maintain a façade of normalcy in order to uphold its funding and provide  
10 Defendants with further financial growth. The safety of the student-patients that were entrusted to  
11 Defendants was compromised due to Defendants' desire to maintain the status quo and to continue  
12 to enjoy the financial support of the alumni of USC and to avoid any public scrutiny. Plaintiffs are  
13 thus informed and believe and thereon allege that these willful, malicious, and/or oppressive acts,  
14 as alleged herein, were ratified by the officers, directors, and/or managing agents of the  
15 Defendants, and Plaintiffs are therefore entitled to recover punitive damages in an amount to be  
16 determined by proof against Defendants at trial.

17 258. As a direct result of the sexual abuse, harassment, and discrimination by Dr. Kelly,  
18 and USC's pattern and practice of concealment, fraud, and endangerment of their student  
19 population for the benefit of their own reputation and financial gain, Plaintiffs have had difficulty  
20 in meaningfully interacting with others including family, friends, and partners, and those in  
21 positions of authority over Plaintiffs including physicians, supervisors, and superiors at work. It  
22 has further caused Plaintiffs to suffer special and general damages, including but not limited to  
23 severe emotional distress, lack of trust, nervousness, anxiety, worry, mortification, humiliation,  
24 embarrassment, depression, shame, sadness, anger and fear.

25 **FIRST CAUSE OF ACTION**  
26 **Sexual Battery in Violation of Cal. Civ. Code § 1708.5**  
27 **(Plaintiffs Against Defendant Dr. Kelly and Does 1 through 100)**

28 259. Plaintiffs re-allege and incorporate by reference all allegations set forth in the  
preceding paragraphs as though fully set forth herein.

1           260. California Civil Code section 1708.5 provides: A person commits a sexual battery  
2 who does any of the following: (1) acts with the intent to cause a harmful or offensive contact with  
3 an intimate part of another, and a sexually offensive contact with that person directly or indirectly  
4 results; (2) acts with the intent to cause a harmful or offensive contact with another by use of his  
5 or her intimate part, and a sexually offensive contact with that person directly or indirectly results;  
6 (3) acts to cause an imminent apprehension of the conduct described in paragraph (1) or (2) and a  
7 sexually offensive contact with that person directly or indirectly results.

8           261. California Civil Code section 1708.5(d) defines “intimate part” as the sexual organ,  
9 anus, groin, or buttocks of any person, or the breast of a female.

10           262. California Civil Code section 1708.5(f) defines “offensive contact” to mean contact  
11 that offends a reasonable sense of personal dignity.

12           263. Plaintiffs allege that during Plaintiffs’ time as students with Defendant USC,  
13 Defendant Dr. Kelly committed the act of civil sexual battery in violation of California Civil Code  
14 section 1708.5 when he intentionally, recklessly, and wantonly did acts which intended to, and did  
15 result in, harmful and offensive contact with intimate parts of Plaintiffs’ persons, including but not  
16 limited to inappropriately probing, touching, fondling, and/or penetrating Plaintiffs’ anuses,  
17 beginning in or around 2007 and lasting through the duration of Plaintiffs’ tenure with Defendants  
18 USC to in and around 2014. Such contact offended Plaintiffs’ reasonable sense of personal  
19 dignity.

20           264. As a direct and proximate result of Defendant Dr. Kelly’s unlawful conduct as  
21 alleged herein, Plaintiffs have suffered and continue to suffer economic loss, emotional distress,  
22 humiliation, embarrassment, anxiety, depression, shame, sadness, fear, anger, loss of self-esteem,  
23 loss of enjoyment of life, and impairment of daily life activities, all in an amount exceeding the  
24 jurisdictional limitations of the Superior Court and in an amount according to proof at trial.

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

1 further informed and believe and thereon allege that Dr. Kelly intended to cause fear, physical  
2 injury, humiliation, embarrassment and/or pain and suffering to the Plaintiffs. By virtue of the  
3 foregoing, Plaintiffs are entitled to recover punitive damages from Dr. Kelly according to proof at  
4 trial.

5 **SECOND CAUSE OF ACTION**

6 **Battery**

7 **(Plaintiffs Against Defendant Dr. Kelly and Does 1 through 100)**

8 266. Plaintiffs re-allege and incorporate by reference all allegations set forth in the  
9 preceding paragraphs as though fully set forth herein.

10 267. In performing the acts described herein, Dr. Kelly acted with the intent to make a  
11 harmful and offensive contact with Plaintiff's person and did, in fact, bring himself into offensive  
12 and unwelcome contact with Plaintiffs ask described above.

13 268. At all relevant times, Plaintiffs found the contact by Dr. Kelly to be offensive to  
14 their person and dignity. At no time did Plaintiffs knowingly consent to any of the acts by  
15 Defendant Kelly as alleged herein.

16 269. As a result of Dr. Kelly's acts described above, Plaintiffs were harmed and/or  
17 offended by Dr. Kelly's conduct, and a reasonable person in Plaintiffs' situation would have been  
18 harmed and/or offended by the touching.

19 270. As a direct and proximate result of Defendant Dr. Kelly's unlawful conduct as  
20 alleged herein, Plaintiffs have suffered and continue to suffer economic loss, emotional distress,  
21 humiliation, embarrassment, anxiety, depression, shame, sadness, fear, anger, loss of self-esteem,  
22 loss of enjoyment of life, and impairment of daily life activities, all in an amount exceeding the  
23 jurisdictional limitations of the Superior Court and in an amount according to proof at trial.

24 271. The aforementioned conduct by Defendant Dr. Kelly was willful, wanton, and  
25 malicious. At all relevant times herein, Dr. Kelly acted with conscious disregard of the Plaintiffs'  
26 rights and feelings. Dr. Kelly also acted with the knowledge of or with reckless disregard for the  
27 fact that his conduct was certain to cause injury and/or harm to Plaintiffs. Plaintiffs are further  
28 informed and believe and thereon allege that Dr. Kelly intended to cause fear, physical injury,

1 humiliation, embarrassment and/or pain and suffering to the Plaintiffs. By virtue of the foregoing,  
2 Plaintiffs are entitled to recover punitive damages from Dr. Kelly according to proof at trial.

3 **THIRD CAUSE OF ACTION**  
4 **Gender Violence in Violation of Civil Code § 52.4**  
5 **(Plaintiffs Against Defendant Dr. Kelly and Does 1 through 100)**

6 272. Plaintiffs re-allege and incorporate by reference all allegations set forth in the  
7 preceding paragraphs as though fully set forth herein.

8 273. Dr. Kelly's acts committed against Plaintiffs, as alleged herein, including the  
9 sexual abuse, harassment, molestation and discrimination of Plaintiffs constitutes gender violence  
10 and a form of sex discrimination in that one or more of Dr. Kelly's acts would constitute a  
11 criminal offense under state law that has an element the use, attempted use, or threatened use of  
12 physical force against the person of another, committed at least in part based on the gender of the  
13 victim, whether or not those acts have resulted in criminal complaints, charges, prosecution or  
14 conviction.

15 274. Dr. Kelly's acts committed against Plaintiffs as alleged herein, including the sexual  
16 harassment, molestation, and abuse of the Plaintiffs constitutes gender violence and a form of sex  
17 discrimination in that Dr. Kelly's conduct caused a physical intrusion or physical invasion of a  
18 sexual nature upon Plaintiffs under coercive conditions, whether or not those acts have resulted in  
19 criminal complaints, charges, prosecution, or conviction.

20 275. As a direct and proximate result of Dr. Kelly's acts, Plaintiffs are entitled to actual  
21 damages, compensatory damages, punitive damages, injunctive relief, any combination of those,  
22 or any other appropriate relief. Plaintiffs are further entitled to attorney's fees and costs pursuant  
23 to Civil Code section 52.4, subsection (a).

24 **FOURTH CAUSE OF ACTION**  
25 **Sexual Harassment in Violation of Civil Code § 51.9**  
26 **(Plaintiffs Against Defendant USC and Does 1 through 100)**

27 276. Plaintiffs re-allege and incorporate by reference all allegations set forth in the  
28 preceding paragraphs as though fully set forth herein.

29 277. During Plaintiffs' time as students at Defendant USC and Does 1 through 100, Dr.  
30 Kelly intentionally, recklessly, and wantonly made sexual advances, requests, and demands for

1 sexual compliance of a hostile nature based in part on Plaintiffs' gender and/or sexual orientation  
2 that were unwelcome, pervasive, and severe, including but not limited to, Dr. Kelly  
3 inappropriately probing, touching, fondling, and/or penetrating Plaintiffs' anuses, all under the  
4 supervision of Defendants, who were acting in the course and scope of their agency with  
5 Defendants and each of them.

6 278. The incidents of abuse outlined herein took place while Plaintiffs were under the  
7 control of Dr. Kelly and Defendants USC and Does 1 through 100, in their capacity and position  
8 as supervisors of physicians, medical professionals, and staff at USC and Does 1 through 100, and  
9 while acting specifically on behalf of Defendants.

10 279. During Plaintiffs' time as students at Defendants USC and Does 1 through 100, Dr.  
11 Kelly intentionally, recklessly, and wantonly did acts which resulted in harmful and offensive  
12 contact with intimate parts of Plaintiffs' persons, including but not limited to, using his position of  
13 authority and age to force Plaintiffs to give into Dr. Kelly's sexual suggestions.

14 280. Because of Plaintiffs' relationships with Dr. Kelly and Defendants USC and Does 1  
15 through 100, Dr. Kelly's status as the only full-time men's sexual health physician employed by  
16 Defendant USC's Student Health Center, and Plaintiffs' young age as students of USC, Plaintiffs  
17 were unable to easily terminate the relationship they had with the Defendants.

18 281. Because of Dr. Kelly's age and position of authority, physical seclusion of the  
19 Plaintiffs, Plaintiffs' mental and emotional state, and Plaintiffs' young age, Plaintiffs were unable  
20 to and did not and could not give consent to such acts.

21 282. Even though Defendants knew or should have known of these activities by Dr.  
22 Kelly, Defendants did nothing to investigate, supervise, or monitor Dr. Kelly to ensure the safety  
23 of the student-patients in their charge.

24 283. A corporation is a "person" within the meaning of Civil Code section 51.9 which  
25 subjects persons to liability for sexual harassment within the business, service or professional  
26 relationship, and such an entity defendant may be held liable under this statute for the acts of its  
27 employees. Further, principles of ratification apply when the principal ratifies the agent's  
28 originally unauthorized harassment, as is alleged to have occurred herein.



1 necessary medical treatment from Dr. Kelly, thereby exposing Plaintiffs to Dr. Kelly's sexual  
2 abuse and discrimination. Thus, Defendant USC's retention of Dr. Kelly denied Plaintiffs and all  
3 of its other young male gay and bisexual students, of full and equal access to safe medical  
4 facilities, treatment, and services based upon their sexual orientation and gender.

5 291. The substantial motivating reason for Defendants' conduct, including Defendant  
6 USC's conduct of ignoring and actively concealing reports and complaints of Dr. Kelly's  
7 misconduct, was Plaintiffs' sexual orientation and/or gender, as Defendants knew that its male  
8 students, including male gay and bisexual students, would seek sexual health treatment from Dr.  
9 Kelly and thus would be unwittingly subjected to his sexual misconduct and discrimination.

10 292. As a direct and proximate result of Defendant Dr. Kelly's unlawful conduct as  
11 alleged herein, Plaintiffs have suffered and continue to suffer economic loss, emotional distress,  
12 humiliation, embarrassment, anxiety, depression, shame, sadness, fear, anger, loss of self-esteem,  
13 loss of enjoyment of life, and impairment of daily life activities, all in an amount exceeding the  
14 jurisdictional limitations of the Superior Court and in an amount according to proof at trial.  
15 Plaintiffs are further entitled to actual damages, statutory damages, and treble damages according  
16 to proof.

17 **SIXTH CAUSE OF ACTION**  
18 **Violation of the Bane Act (Civil Code § 52.1)**  
19 **(Plaintiffs Against All Defendants)**

20 293. Plaintiffs re-allege and incorporate by reference all allegations set forth in the  
21 preceding paragraphs as though fully set forth herein.

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

27 295. During Plaintiffs' time as students at Defendant USC, Defendants engaged in  
28 oppressive and unlawful tactics in ignoring, concealing, and ultimately suppressing Plaintiffs'  
complaints of being sexually abused and discriminated against by Dr. Kelly. Plaintiffs were

1 threatened, intimidated, and coerced from reporting Dr. Kelly's abusive conduct by Dr. Kelly's  
2 own intimidating and humiliating conduct as well as the conspiratorial silence and inaction of  
3 Defendant USC. These intentional acts of concealment of Dr. Kelly's abusive behavior violated  
4 the Plaintiffs' right to be free from discrimination on the basis of gender and sexual orientation.

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

10 297. Defendants' wrongful conduct was intended to, and did successfully interfere with,  
11 Plaintiffs' Constitutional rights to be free from gender and sexual orientation discrimination and  
12 harassment as well as interfered with their Due Process rights under the United States Constitution  
13 and specifically the Fifth and Fourteenth Amendment.

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

18 299. Defendants' above-noted actions were the direct and proximate causes of physical,  
19 psychological, emotional, and economic damages, and damages to the Plaintiffs, who have  
20 suffered and continue to suffer to this date.

21 300. As a direct and proximate result of Defendant Dr. Kelly's unlawful conduct as  
22 alleged herein, Plaintiffs have suffered and continue to suffer economic loss, emotional distress,  
23 humiliation, embarrassment, anxiety, depression, shame, sadness, fear, anger, loss of self-esteem,  
24 loss of enjoyment of life, and impairment of daily life activities, all in an amount exceeding the  
25 jurisdictional limitations of the Superior Court and in an amount according to proof at trial.

26 301. The aforementioned conduct by Defendant Dr. Kelly was willful, wanton, and  
27 malicious. At all relevant times herein, Dr. Kelly acted with conscious disregard of the Plaintiffs'  
28 rights and feelings. Dr. Kelly also acted with the knowledge of or with reckless disregard for the

1 fact that his conduct was certain to cause injury and/or harm to Plaintiffs. Plaintiffs are further  
2 informed and believe and thereon allege that Dr. Kelly intended to cause fear, physical injury,  
3 humiliation, embarrassment and/or pain and suffering to the Plaintiffs. By virtue of the foregoing,  
4 Plaintiffs are entitled to recover punitive damages from Dr. Kelly according to proof at trial.

5 302. In subjecting Plaintiffs to the treatment described herein, Defendants are entitled to  
6 compensatory damages in a sum according to proof, emotional distress damages, punitive  
7 damages attorney's fees, and other damages pursuant to Civil Code section 52(b)(1) and a  
8 temporary restraining order or a preliminary injunction or permanent injunction ordering  
9 Defendants to refrain from conduct or activities as alleged herein, and other such relief as the  
10 Court deems just and proper.

11 **SEVENTH CAUSE OF ACTION**  
12 **Sexual Abuse and Discrimination in an Educational Setting (Education Code § 220)**  
13 **(Plaintiffs Against All Defendants)**

14 303. Plaintiffs re-allege and incorporate by reference all allegations set forth in the  
15 preceding paragraphs as though fully set forth herein.

16 304. Plaintiffs were harmed by being subjected to discrimination, abuse, molestation,  
17 sexual assault, and/or sexual harassment at USC because of Plaintiffs' gender and sexual  
18 orientation, and Defendants are responsible for that harm.

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

22 306. Defendants had actual and/or constructive knowledge of this sexual abuse and  
23 discrimination because Defendant USC received and then ignored numerous complaints of Dr.  
24 Kelly's abuse, discrimination, and/or harassment.

25 307. In the face of this knowledge of sexual abuse, harassment, and discrimination that  
26 was being perpetrated on Plaintiffs by Dr. Kelly, Defendants acted with deliberate indifference  
27 toward responding to these alarms and preventing further abuse. Defendants allowed Dr. Kelly to  
28 remain as a physician at USC to sexually abuse, harass, and discriminate against other patients.



1 avoid Dr. Kelly's sexual battery, harassment, and discrimination of gay and bisexual male  
2 patients, including Plaintiffs, causing them injury.

3 314. Plaintiffs are informed and believe and thereon allege that Defendant USC knew or  
4 should have known that Plaintiffs were being subjected to unlawful battery and discrimination  
5 based on complaints that had been made to USC and its agents, employees, and staff.

6 315. Plaintiffs are informed and allege that despite being informed of Dr. Kelly's  
7 unlawful conduct, Defendant USC failed to discipline Dr. Kelly and kept him in their employ,  
8 thereby ratifying his conduct.

9 316. The conduct of USC constitutes negligence and is actionable under the laws of the  
10 State of California.

11 317. As a direct and proximate result of Defendants' conduct as alleged herein, Plaintiffs  
12 have suffered and continue to suffer economic loss, emotional distress, humiliation,  
13 embarrassment, anxiety, depression, shame, sadness, fear, anger, loss of self-esteem, loss of  
14 enjoyment of life, and impairment of daily life activities, all in an amount exceeding the  
15 jurisdictional limitations of the Superior Court and in an amount according to proof at trial.

16 318. The aforementioned conduct by Defendant USC was reckless and with conscious  
17 disregard of the Plaintiffs' rights. Plaintiffs are therefore entitled to recover punitive damages  
18 from USC in an amount according to proof at trial.

19 **NINTH CAUSE OF ACTION**

20 **Negligent Supervision**

21 **(Plaintiffs Against Defendant USC and Does 1 through 100)**

22 319. Plaintiffs re-allege and incorporate by reference all allegations set forth in the  
23 preceding paragraphs as though fully set forth herein.

24 320. Defendants had a duty to provide Plaintiffs with a men's sexual health physician  
25 who would provide each of them with a professional STD exam and advice, devoid of any  
26 sexually harassing, abusive, assaulting, or discriminatory conduct.

27 321. Defendants and each of them owed Plaintiffs a duty of care to act in a reasonable  
28 and ordinary manner so as not to cause Plaintiffs foreseeable harm.



1 collegiate facility, thereby enticing Plaintiffs to attend USC for undergraduate and graduate  
2 students, Defendants entered into a special and fiduciary relationship with Plaintiffs.

3 329. Defendant USC represented to Plaintiffs that Dr. Kelly was a safe, proper,  
4 professional physician, and that they would be receiving standard and appropriate men's sexual  
5 health examinations at USC, when in truth, Dr. Kelly was participating in misconduct and  
6 Plaintiffs were being abused, harassed, and discriminated against by Dr. Kelly.

7 330. Defendants' representation was false.

8 331. Defendants knew that the representation was false when made or Defendants made  
9 such a representation recklessly without regard for its truth.

10 332. Defendants intended that Plaintiffs rely on that representation, and Plaintiffs  
11 reasonably relied on Defendants' representation.

12 333. As a direct and proximate result of Defendants' unlawful conduct as alleged herein,  
13 Plaintiffs have suffered and continue to suffer economic loss, severe emotional distress,  
14 humiliation, embarrassment, anxiety, depression, shame, sadness, fear, anger, loss of self-esteem,  
15 loss of enjoyment of life, and impairment of daily life activities, all in an amount exceeding the  
16 jurisdictional limitations of the Superior Court and in an amount according to proof at trial.

17 334. Plaintiffs' reliance on Defendants' representation was a substantial factor in  
18 causing Plaintiffs' harm.

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

22 **ELEVENTH CAUSE OF ACTION**  
23 **Fraudulent Concealment**  
24 **(Plaintiffs Against Defendant USC and Does 1 through 100)**

25 336. Plaintiffs re-allege and incorporate by reference all allegations set forth in the  
26 preceding paragraphs as though fully set forth herein.

27 337. By holding Dr. Kelly out as an agent of Defendants and by allowing him to  
28 undertake the care of young patients such as Plaintiffs, Defendants entered into a confidential,  
fiduciary, and special relationship with Plaintiffs. By holding themselves out as a preeminent

1 collegiate facility, thereby enticing Plaintiffs to attend USC for undergraduate and graduate  
2 students, Defendants entered into a special and fiduciary relationship with Plaintiffs.

3 338. Defendant USC represented intentionally failed to disclose to Plaintiffs known  
4 facts or facts that could have been discovered by Defendants, including that USC had received  
5 complaints about Dr. Kelly's misconduct in the past, and that Dr. Kelly engaged in inappropriate,  
6 abusive, harassing, and discriminatory conduct towards the gay and bisexual male student  
7 population at USC. Furthermore, USC prevented Plaintiffs from discovering such facts by failing  
8 to take appropriate action with respect to complaints made regarding Dr. Kelly, including  
9 investigations or reporting to the State Medical Board, silencing its students and staff to protect its  
10 own reputation, and allowing Dr. Kelly to continue treating patients for years. USC's concealed  
11 this information with an intent to deceive Plaintiffs and other students at USC.

12 339. Plaintiffs were not aware of Dr. Kelly's discriminatory and abusive misconduct,  
13 and had they been aware, they would not have received medical treatment from Dr. Kelly nor  
14 subjected themselves to such harm.

15 340. As a direct and proximate result of USC's concealment, Plaintiffs were harmed and  
16 such concealment was a substantial factor in causing Plaintiffs' harm.

17 341. Defendants' conduct was reckless and with conscious disregard of Plaintiff's rights  
18 and safety. Plaintiffs are therefore entitled to an award of punitive damages against Defendants in  
19 an amount to be determined according to proof at trial.

20 **TWELFTH CAUSE OF ACTION**

21 **Negligent Misrepresentation**  
22 **(Plaintiffs Against Defendant USC and Does 1 through 100)**

23 342. Plaintiffs re-allege and incorporate by reference all allegations set forth in the  
24 preceding paragraphs as though fully set forth herein.

25 343. Defendant USC misrepresented that Dr. Kelly was a professional men's health  
26 physician, without reasonable ground for believing it to be true (insomuch as Defendants had been  
27 aware of Dr. Kelly's sexually inappropriate and discriminatory conduct) and with the intent to  
28 induce Plaintiffs' reliance on such misrepresentation.



1 and believe and thereon allege that Defendants intended to cause fear, physical injury, humiliation,  
2 embarrassment and/or pain and suffering to the Plaintiffs. By virtue of the foregoing, Plaintiffs  
3 are entitled to recover punitive damages from Defendants according to proof at trial.

4 **FOURTEENTH CAUSE OF ACTION**

5 **Negligence**

6 **(Plaintiffs Against Defendants USC and Does 1 through 100)**

7 351. Plaintiffs re-allege and incorporate by reference all allegations set forth in the  
8 preceding paragraphs as though fully set forth herein.

9 352. Prior to and after the first incident of Dr. Kelly's sexual harassment, abuse, and  
10 discrimination of Plaintiffs, through the present, Defendants, knew and/or should have known that  
11 Dr. Kelly had and was capable of sexually, physically, and mentally abusing, harassing, and  
12 discriminating against Plaintiffs or other victims.

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

20 354. Defendants breached their duties of care to the Plaintiffs by allowing Dr. Kelly to  
21 come into contact with the Plaintiffs and other student-patients without effective supervision; by  
22 failing to adequately hire and supervise Dr. Kelly and by continuing to retain Dr. Kelly whom they  
23 permitted and enabled to have access to Plaintiffs; by concealing from Plaintiffs, the public and  
24 law enforcement that Dr. Kelly was sexually abusing and discriminating against patients; and by  
25 holding Dr. Kelly out to Plaintiffs as being of high moral and ethical repute, in good standing and  
26 trustworthy.

27 355. Defendants breached their duties to Plaintiffs by failing to investigate or otherwise  
28 confirm or deny such facts of sexual abuse and discrimination by Dr. Kelly, failing to reveal such  
facts to Plaintiffs, the community and law enforcement agencies, and by placing Dr. Kelly into a

1 position of trust and authority, holding him out to Plaintiffs and the public as being in good  
2 standing and trustworthy.

3 356. Defendants breached their duty to Plaintiffs by failing to adequately monitor and  
4 supervise Dr. Kelly and by failing to prevent Dr. Kelly from discriminating against, and  
5 committing wrongful acts with patients, including Plaintiffs. Because of students' complaints to  
6 Defendants regarding Dr. Kelly's conduct, Defendants knew or should have known of Dr. Kelly's  
7 incapacity to serve as a team physician, physician, and faculty member at Defendants' institutions,  
8 providing for the physical care of young male gay and bisexual students.

9 357. As a direct and proximate result of Defendants' unlawful conduct as alleged herein,  
10 Plaintiffs have suffered and continue to suffer severe emotional distress, including humiliation,  
11 embarrassment, anxiety, depression, shame, sadness, fear, anger, loss of self-esteem, loss of  
12 enjoyment of life, and impairment of daily life activities, all in an amount exceeding the  
13 jurisdictional limitations of the Superior Court and in an amount according to proof at trial.

14 **FIFTEENTH CAUSE OF ACTION**  
15 **Unfair Business Practices (Business & Professions Code § 17200)**  
16 **(Plaintiffs Against All Defendants)**

17 358. Plaintiffs re-allege and incorporate by reference all allegations set forth in the  
18 preceding paragraphs as though fully set forth herein.

19 359. Plaintiffs are informed and believe and thereon allege that Defendants have  
20 engaged in unlawful, unfair and deceptive business practices including allowing Dr. Kelly to  
21 engage in repeated abuse and discrimination of student-patients, including Plaintiffs, and failing to  
22 take all reasonable steps to prevent discrimination and abuse from occurring. The unlawful, unfair  
23 and deceptive business practices also included failing to adequately investigate, vet, and evaluate  
24 individuals for employment with Defendants USC and Does 1 through 100, refusing to design,  
25 implement, and oversee policies regarding sexual misconduct and discrimination of student-  
26 patients in a reasonable manner that is customary in similar educational environments. Plaintiffs  
27 are informed and believe and on that basis allege that Dr. Kelly and Defendants USC and Does 1  
28 through 100 have engaged in unlawful, unfair and deceptive business practices including  
concealing sexual abuse, harassment, and/or discrimination claims by student-patients, such as

1 Plaintiffs, so as to retain other similarly situated students and to not deter prospective students who  
2 were not apprised of such illicit sexual misconduct and discrimination by Dr. Kelly.

3 360. Plaintiffs are informed and believes that Defendants engaged in a common scheme,  
4 arrangement or plan to actively conceal allegations against sexual abusers who were employees,  
5 agents, members, and/or participants at Defendants USC and Does 1 through 100, including Dr.  
6 Kelly, such that Defendants USC and Does 1 through 100 could maintain their public image, and  
7 avoid detection of such abuse and discrimination. Plaintiffs are informed and believe and thereon  
8 allege that Defendants actively concealed these allegations, such that Defendants would be  
9 insulated from public scrutiny, governmental oversight, and/or investigation from various law  
10 enforcement agencies, all done in order to maintain the false sense of safety for participants and  
11 their families and to perpetuate the program financially.

12 361. By engaging in unlawful, unfair and deceptive business practices, Dr. Kelly and  
13 Defendants USC and Does 1 through 100 benefitted financially to the detriment of its competitors,  
14 who had to comply with the law. Unless restrained, Defendants USC and Does 1 through 100 will  
15 continue to engage in the unfair acts and business practices described above, resulting in great and  
16 irreparable harm to Plaintiffs and/or other similarly situated participants and members.

17 362. Plaintiffs seek restitution for all amounts improperly obtained by Dr. Kelly and  
18 Defendants USC and Does 1 through 100 through the use of the above-mentioned unlawful  
19 business practices, as well as the disgorgement of all ill-gotten gains and restitution on behalf of  
20 Plaintiffs and all other similarly situated student-patients who were also subjected to Dr. Kelly and  
21 Defendants USC and Does 1 through 100 illegal and unfair business practices.

22 363. Pursuant to section 17203 of the California Business and Professions Code and  
23 available equitable powers, Plaintiffs are entitled to a preliminary and permanent injunction,  
24 enjoining Dr. Kelly, Defendants USC and Does 1 through 100 from continuing the unlawful and  
25 unfair business practices described above. Further, Plaintiffs seek the appointment of a court  
26 monitor to enforce its orders regarding client safety. In addition, Plaintiffs are entitled to recover  
27 reasonable attorneys' fees pursuant to the California Business and Professions Code and section  
28 1021.5 of the California Code of Civil Procedure.

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**PRAYER FOR RELIEF**

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

1. For special damages in an amount according to proof;
2. For general damages in an amount according to proof;
3. For restitution of unjust revenue collected and costs incurred;
4. For exemplary and punitive damages pursuant to Civil Code section 3294 or as otherwise allowed by law;
5. For any appropriate statutory damages;
6. For reasonable attorney’s fees;
7. For costs of suit incurred herein;
8. For declaratory and injunctive relief, including but not limited to court supervision of Defendant USC; and
9. For such other and further relief as the Court deems just and proper

DATED: March 4, 2019

KELLOGG & VAN AKEN LLP

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