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4 IN THE CIRCUIT COURT OF THE STATE OF OREGON
5 FOR THE COUNTY OF MULTNOMAH

6 JANE COE, JANE POE, JANE ROE, and
7 JANE VOE,

8 Plaintiffs,

9 vs.

10 DAVID FARLEY, M.D., an individual;
11 WEST LINN FAMILY HEALTH CENTER,
12 P.C., an Oregon Professional Corporation;
13 LEGACY MERIDIAN PARK HOSPITAL,
14 an Oregon Nonprofit Corporation;
15 PROVIDENCE HEALTH & SERVICES –
16 OREGON, an Oregon Nonprofit Corporation
17 *doing business as* Providence Willamette Falls
18 Medical Center, and JOHN AND JANE
19 DOES 1-50, inclusive,

20 Defendants.

Case No. 20CV37412

COMPLAINT AND DEMAND FOR JURY
TRIAL

(Intentional Infliction of Emotional Distress;
Negligence; Fraud/Fraudulent Concealment;
Assault and Battery)

PRAYER: \$40,000,000

(Filing Fee Pursuant to ORS 21.160(1)(e))

CLAIM NOT SUBJECT TO MANDATORY
ARBITRATION

(Pursuant to UTCR 13.060)

21 Plaintiffs JANE COE, JANE POE, JANE ROE, and JANE VOE allege:

22 **INTRODUCTION**

23 1.

24 At all material times, Defendant DAVID FARLEY, M.D., (hereinafter referred to as,
“FARLEY”), violated his position of trust, authority, and confidence by repeatedly sexually
assaulting Plaintiffs JANE COE, JANE POE, JANE ROE, and JANE VOE (collectively “the
Plaintiffs”) while they were patients of Defendants WEST LINN FAMILY HEALTH CENTER
(hereinafter referred to as “FAMILY HEALTH”), LEGACY MERIDIAN PARK HOSPITAL

1 (“LEGACY”), PROVIDENCE HEALTH & SERVICES – OREGON, doing business as
2 Providence Willamette Falls Medical Center, (“PROVIDENCE”), and/or JOHN AND JANE
3 DOES 1-50 (“DOES”).

4 2.

5 FARLEY sexually abused Plaintiffs on multiple occasions by engaging in acts that
6 include but are not limited to:

- 7 a) Forcing the Plaintiff to strip naked;
- 8 b) Forcing his fingers inside of the Plaintiff’s vagina;
- 9 c) Insisting on breaking the Plaintiff’s hymen before her marriage to “ensure sex was
10 more pleasurable”;
- 11 d) Performing “membrane sweeps” of the Plaintiff without her consent;
- 12 e) Fondling Plaintiff’s bare breasts with his ungloved hands under the guise of
13 conducting a “breast examination”;
- 14 f) Digitally penetrating Plaintiff’s vagina without permission under the guise of
15 conducting a “pelvic examination,” sometimes without gloves;
- 16 g) Making derogatory and sexually harassing comments about the Plaintiff’s vagina;
- 17 h) Insisting on a medical unnecessary pelvic examination and breast examination;
- 18 i) Performing an ungloved rectal examination on Plaintiff; and
- 19 j) Forcing Plaintiff to endure painful and medically unnecessary treatment.

20 3.

21 FARLEY engaged in sexual misconduct with over 20 of his patients, including Plaintiffs,
22 for no legitimate medical purpose and for no other reason than to satisfy his own prurient sexual
23 desires. FARLEY repeatedly violated his role as a physician all while Defendants FAMILY

1 HEALTH, LEGACY, PROVIDENCE, and DOES knew or should have known that he was an
2 unfit doctor and should not have been in contact with patients.

3 **PARTIES**

4 **PLAINTIFFS**

5 4.

6 Plaintiff JANE COE (“COE”) is a female who was born in 1991 and currently resides in
7 Utah. At all times relevant to her sexual abuse at the hands of FARLEY, COE was a resident of
8 the State of Oregon. The name “JANE COE” is not the true and correct name of the Plaintiff, but
9 is a pseudonym utilized to protect her identity in light of her privacy interests in remaining
10 anonymous as a survivor of sexual assault.

11 5.

12 Plaintiff JANE POE (“POE”) is a female who was born in 1990 and currently resides in
13 Ohio. At all times relevant to her sexual abuse at the hands of FARLEY, POE was a resident of
14 the State of Oregon. The name “JANE POE” is not the true and correct name of the Plaintiff, but
15 is a pseudonym utilized to protect her identity in light of her privacy interests in remaining
16 anonymous as a survivor of sexual assault.

17 6.

18 Plaintiff JANE ROE (“ROE”) is a female who was born in 1987 and currently resides in
19 Oregon. At all times relevant to her sexual abuse at the hands of FARLEY, ROE was a resident
20 of the State of Oregon. The name “JANE ROE” is not the true and correct name of the Plaintiff,
21 but is a pseudonym utilized to protect her identity in light of her privacy interests in remaining
22 anonymous as a survivor of sexual assault.

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7.

Plaintiff JANE VOE (“VOE”) is presently an adult female who was born in 1987 and currently resides in Oregon. At all times relevant to her sexual abuse at the hands of FARLEY, VOE was a resident of the State of Oregon. The name “JANE VOE” is not the true and correct name of the Plaintiff, but is a pseudonym utilized to protect her identity in light of her privacy interests in remaining anonymous as a survivor of sexual assault.

DEFENDANTS

8.

Defendant DAVID FARLEY, M.D. (“FARLEY”) is and was at all times mentioned herein an individual residing in the State of Oregon during the period of time during which the sexual abuse, harassment, and molestation alleged herein took place, and is currently a citizen of the State of Oregon. Upon information and belief, FARLEY received his medical degree in 1986, and following completion of his residency, opened FAMILY HEALTH in or around March 24, 1993.

9.

Defendant WEST LINN FAMILY HEALTH CENTER, P.C.(“FAMILY HEALTH”) at all times mentioned herein was and is an Oregon corporation, having its principal place of business in the State of Oregon, County of Clackamas. FARLEY was an agent, apparent agent, servant, and/or employee, of FAMILY HEALTH during the sexual abuse of the Plaintiffs, thus, FAMILY HEALTH is vicariously liable for his misconduct engaged in with the Plaintiffs.

10.

Defendant LEGACY MERIDIAN PARK MEDICAL CENTER (“LEGACY”) is and was at all times mentioned herein an Oregon corporation, having its principal place of business

1 in the State of Oregon, County of Clackamas, and its registered agent in the State of Oregon,
2 County of Multnomah. FARLEY was an agent, apparent agent, servant, and/or employee, of
3 LEGACY during the sexual abuse of JANE ROE, thus, LEGACY is vicariously liable for his
4 misconduct engaged in with JANE ROE.

5 11.

6 Defendant PROVIDENCE HEALTH & SERVICES – OREGON (“PROVIDENCE”),
7 doing business as Providence Willamette Falls Medical Center, is and was at all times mentioned
8 herein an Oregon corporation, having its principal place of business in the State of Washington,
9 County of King. FARLEY was an agent, apparent agent, servant, and/or employee of
10 PROVIDENCE during the sexual abuse of JANE ROE, thus, PROVIDENCE is vicariously
11 liable for his misconduct engaged in with JANE ROE.

12 12.

13 Defendants JOHN AND JANE DOES 1-50 (“DOES”), inclusive, and each of them, are
14 sued herein under said fictitious names. Plaintiffs are ignorant as to the true names and capacities
15 of DOES, whether individual, corporate, associate, or otherwise, and therefore sue said
16 Defendants by such fictitious names pursuant to ORCP 20 H. When their true names and
17 capacities are ascertained, Plaintiffs will request leave of Court to amend this Complaint to state
18 their true names and capacities herein.

19 13.

20 FAMILY HEALTH, LEGACY, PROVIDENCE and DOES are collectively referred to
21 herein as the “Clinic Defendants.” Further, FARLEY and the Clinic Defendants are collectively
22 referred to herein as “Defendants” and/or “All Defendants.”
23
24

1 **JURISDICTION AND VENUE**

2 14.

3 Jurisdiction is proper in the State of Oregon pursuant to ORS 14.030 because the
4 wrongful conduct giving rise to the causes of action in this lawsuit occurred in this state. Venue
5 is proper in the Circuit Court for Multnomah County pursuant to ORS 14.080(2) because one or
6 more of the defendants resides in the County of Multnomah.

7 **FACTUAL ALLEGATIONS REGARDING PLAINTIFFS**

8 **PLAINTIFF JANE COE**

9 15.

10 In or around 2007, COE began receiving medical treatment from FARLEY. Between the
11 years of approximately 2007 through approximately 2009, while COE was between the ages of
12 approximately 15 to approximately 18, she saw FARLEY on nearly 40 occasions for her chronic
13 stomach issues. During this time, COE was forced to submit to FARLEY’s sexual abuse and
14 harassment on at least 5 separate occasions while seeking medical treatment.

15 16.

16 At all times material hereto, COE was a patient of Defendants FARLEY, FAMILY
17 HEALTH, and DOES. FARLEY used his position of trust and authority over COE to sexually
18 abuse her in the following ways:

- 19 a) In or around May 2007, COE, who was approximately 15 years old, made an
20 appointment with FARLEY. During this appointment, FARLEY performed an
21 ungloved rectal examination on COE, under the guise of seeking to relieve COE’s
22 constipation.

- 1 b) On another occasion in May 2007, Plaintiff made an appointment with FARLEY,
2 during which he insisted on performing both a pelvic and breast examination. During
3 the “pelvic examination,” FARLEY forced his ungloved fingers inside of COE’s
4 vagina, causing her immense physical pain. During the purported “breast
5 examination” FARLEY instructed COE to lie down and fondled her breast
6 underneath her medical gown for several minutes.
- 7 c) In or around July 2009, COE made an appointment with FARLEY, during which time
8 he insisted on inserting an IUD into COE’s vagina and instructed her to return in 4
9 days so that he could “use an ultrasound wand to determine whether the IUD was in
10 the right position.” Thereafter, FARLEY instructed COE to return again so he could
11 “check the IUD strings.” FARLEY did not wear gloves while conducting any of these
12 examinations of COE’s vagina.
- 13 d) In or around August 2009, during an appointment with FARLEY, FARLEY
14 suggested that he “break [COE’s] hymen prior to marrying her husband.” FARLEY
15 told COE that “all women get it done,” and disclosed the name of another patient
16 whose hymen he recently broke who was a member of COE’s church. FARLEY
17 insisted on performing the procedure despite COE’s reluctance, stating that it would
18 “ensure sex was more pleasurable” for COE. FARLEY proceeded to digitally
19 penetrate COE’s vagina, moving his fingers around her vagina until he broke COE’s
20 hymen.

21 17.

22 At the time, Plaintiff COE, in reasonable reliance upon Defendants FAMILY HEALTH
23 and DOES’ active concealment of FARLEY’s serial sexual abuse and its representations that
24

1 FARLEY was a trustworthy medical professional, believed that FARLEY's conduct was
2 medically necessary and breaking her hymen was a legitimate medical procedure. It was not until
3 in or around August 2020, when FARLEY's sexually abusive nature was publicly revealed, that
4 Plaintiff COE realized that FARLEY's breaking her hymen was sexual assault.

5 **PLAINTIFF JANE POE**

6 18.

7 In or around 2003, POE, who at the time was approximately 13 years of age, made an
8 appointment with FARLEY in order to obtain clearance for her sports medical examination to
9 participate in middle school basketball and was forced to submit to FARLEY's sexual abuse and
10 harassment.

11 19.

12 At all times material hereto, POE was a patient of Defendants FARLEY, FAMILY
13 HEALTH, and DOES. FARLEY used his position of trust and authority over VOE to sexually
14 abuse her in the following ways:

- 15 a) In or around 2003, upon arriving at her appointment for her sports medical
16 examination, POE was instructed to remove all of her clothes and change into a
17 medical gown. During this appointment, FARLEY insisted on performing both breast
18 and pelvic examinations on POE, despite the fact that she was only 13 years old. POE
19 declined both the pelvic and breast examinations. FARLEY then told POE and her
20 mother about one of his teenage patients who had contracted a disease that could have
21 been prevented if he had been permitted to conduct pelvic and breast examinations of
22 the patient. POE and her mother still refused to allow FARLEY to conduct either a
23 breast or pelvic examination of POE. Thereafter, FARLEY refused to sign off on
24

1 POE's sports medical release unless she submitted to a breast examination. POE then
2 reluctantly laid down with her breasts exposed, and FARLEY conducted an ungloved
3 "examination" of POE's breasts, causing POE to suffer embarrassment, shame, and
4 humiliation.

5 **PLAINTIFF JANE ROE**

6 20.

7 In or around 2015, ROE began receiving medical treatment from FARLEY. From in or
8 around 2015 through in or around September 2019, ROE was forced to submit to FARLEY's
9 sexual abuse and harassment on at least 10 separate occasions while seeking treatment. ROE's
10 sexual abuse occurred on the premises of LEGACY, in addition to FAMILY HEALTH and/or
11 DOES.

12 21.

13 At all times material hereto, ROE was a patient of Defendants FARLEY, FAMILY
14 HEALTH, LEGACY, and DOES. FARLEY used his position of trust and authority over ROE to
15 sexually abuse her in the following ways:

- 16 a) Between in or around October 2016 though in or around September 2019, ROE was a
17 patient of FARLEY. During this time period, FARLEY digitally penetrated ROE's
18 vagina on 11 separate occasions, including 4 pap smears and 2 cervical checks.
- 19 b) In or around August 2017, while ROE was 36 weeks pregnant, she made an appointment
20 with FARLEY for a prenatal check. During this examination, FARLEY, without ROE's
21 knowledge or consent, performed "membrane sweeping" on ROE, by inserting his
22 fingers into her vagina.

1 c) In or around October 2017, ROE made an appointment with FARLEY for her six (6)
2 week postpartum examination. During this appointment, he performed a full pelvic
3 examination, with digital penetration. He further performed an ungloved examination of
4 ROE's breast, and advised her to return in 4 months. When ROE returned, in or around
5 February 2018, FARLEY again insisted on performing a pelvic examination.

6 Additionally, FARLEY performed another ungloved "breast examination" on ROE.

7 d) In or around February 2019, ROE made an appointment with FARLEY for her annual
8 well woman examination. During this examination, FARLEY again insisted on
9 performing another pelvic examination on ROE. He again performed another ungloved
10 "breast examination" on ROE.

11 e) In September 2019, Plaintiff presented to FARLEY's office for a follow-up pap smear.
12 Notably, this was the only examination ROE had with FARLEY wherein a nurse
13 chaperone was present. During this appointment, under the guise of conducting a "pelvic
14 examination," FARLEY forced his ungloved fingers inside of ROE's vagina, while
15 making inappropriate comments such as, "Okay, everything feels really good."
16 Moreover, FARLEY made numerous unsolicited comments regarding scarring on ROE's
17 vagina, all while touching ROE's labia with his ungloved hand. Plaintiff ROE is now
18 informed and believes, and on this basis alleges, that FARLEY's wholly inappropriate
19 comments about her vagina were designed to shame, coerce, humiliate and control ROE
20 so that she would be silenced, and so that she would suffer psychological pain and
21 emotional distress. Following the examination, while ROE was naked, covered only by
22 the medical gown, FARLEY approached her and gave her a hug, causing ROE to feel
23 extreme mortification, embarrassment, and emotional distress.

1 **PLAINTIFF JANE VOE**

2 22.

3 In or around July 2015, VOE began receiving medical treatment from FARLEY, pursuant
4 to the recommendation of a friend. From in or around July 2015 through in or around April 2018,
5 VOE was forced to submit to FARLEY’s sexual abuse and harassment on at least 7 separate
6 occasions while seeking medical treatment. VOE’s sexual abuse occurred on the premises of
7 PROVIDENCE, in addition to FAMILY HEALTH and/or DOES.

8 23.

9 At all times material hereto, VOE was a patient under Defendants FARLEY, FAMILY
10 HEALTH, PROVIDENCE, and DOES’ complete control, dominion, and supervision. FARLEY
11 used his position of trust and authority over VOE to sexually abuse her in the following ways:

- 12 a) In or around August 2016, while VOE was pregnant with her third child, she made an
13 appointment with FARLEY for a prenatal check pursuant to the recommendation of a
14 friend. During this examination, FARLEY, without VOE’s knowledge or consent,
15 performed “membrane sweeping” on VOE by inserting his fingers inside of VOE’s
16 vagina.
- 17 b) In or around August 2016, VOE, who was in severe physical pain, requested an
18 appointment with FARLEY. FARLEY instructed VOE to come to his home for
19 additional “membrane sweeping.” At his home, FARLEY instructed Plaintiff to strip
20 naked and lie on a towel on FARLEY’s bed while he performed the procedure.
21 FARLEY moved his fingers in and around VOE’s vagina for several minutes, causing
22 her severe pain, under the guise of performing “membrane sweeping.”

- 1 c) Immediately following the delivery of VOE's child, FARLEY began delivering
2 VOE's placenta by aggressively pulling on her umbilical cord, causing VOE severe
3 pain.
- 4 d) During the two week well check of VOE's child, FARLEY, without any warning or
5 consent, and without gloves, began fondling and squeezing VOE's breast while she
6 was breastfeeding her child.
- 7 e) On or around October 2016, at VOE's eight-week postpartum examination, FARLEY
8 performed an ungloved "breast examination" and "pelvic examination" on VOE,
9 despite having no medically valid reason to do so.
- 10 f) In or around March 2017, VOE presented for an annual well woman examination.
11 FARLEY insisted on performing another ungloved "breast examination" and a
12 "pelvic examination" on VOE, despite having just performed these "examinations"
13 five months prior. During the purported "pelvic examination," FARLEY digitally
14 penetrated VOE's vagina.
- 15 g) In or around April 2018, VOE again presented for an annual well woman
16 examination. VOE advised FARLEY and his staff that she did not want to undergo a
17 pelvic examination at this visit. FARLEY became visibly angry with VOE and began
18 telling her of another patient who had skipped one annual examination and died of
19 cervical cancer. As the result of immense pressure and out of fear for her health, VOE
20 reluctantly allowed FARLEY to perform a pelvic and breast examination. During the
21 purported breast examination, FARLEY did not wear gloves. FARLEY did not
22 lubricate the speculum used during the "pelvic examination" and aggressively
23 inserted it into VOE's vagina, causing immense physical pain. Following the
24

1 examination, while Plaintiff was naked, covered only by the medical gown, FARLEY
2 approached VOE and gave her a hug, causing VOE to feel extreme mortification,
3 embarrassment, and emotional distress.

4 **FACTUAL ALLEGATIONS REGARDING CLINIC DEFENDANTS**

5 **CLINIC DEFENDANTS HAD RIGHT TO CONTROL FARLEY**

6 24.

7 FARLEY was hired and retained by the Clinic Defendants to provide medical care and
8 treatment to Plaintiffs, most of whom were very young women, sexually inexperienced, and
9 members of the conservative Mormon faith, who had never received any gynecological treatment
10 before. It was through this position of trust and confidence that FARLEY exploited Plaintiffs, in
11 perpetrating his sexual abuse, molestation and harassment upon Plaintiffs. All of the sexually
12 abusive and harassing conduct alleged herein was done for FARLEY's sexual gratification.

13 25.

14 FARLEY was hired, employed, and retained by the Clinical Defendants and was under
15 their direct supervision, management, agency, and control. FARLEY's employment duties
16 included providing medical care to the female patients of the Clinic Defendants.

17 26.

18 As patients of the Clinic Defendants, Plaintiffs were under FARLEY's direct supervision,
19 control, and care, which created a special, confidential, and fiduciary relationship between
20 Plaintiffs and FARLEY. Because of such relationship, FARLEY owed Plaintiffs a duty of care.
21 Additionally, as the employers and supervisors of FARLEY with knowledge that he was in
22 contact with and providing medical care to female patients, the Clinic Defendants were also in a
23 special, confidential, and fiduciary relationship with Plaintiffs, owing Plaintiffs a duty of care.

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27.

By employing FARLEY and assigning female patients, the Clinic Defendants represented to its patients, and the community, that FARLEY was safe, trustworthy, and of high moral and ethical repute, such that patients need not worry about having FARLEY interact with, and provide care to, those patients.

28.

In his capacity as a physician with the Clinic Defendants, FARLEY was given custody and supervision of patients, including Plaintiffs. FARLEY used this position to coerce patients to concede to his prurient sexual demands, using his authority and position of trust to exploit them physically, sexually, and emotionally.

29.

As patients of the Clinic Defendants, Plaintiffs came into contact with Defendant FARLEY. FARLEY used the guise of medical care and treatment to normalize intimate, inappropriate, and sexually abusive contact with Plaintiffs.

30.

FARLEY's sexual abuse and harassment of Plaintiffs was done for FARLEY's personal sexual gratification, and it annoyed, disturbed, irritated, and offended Plaintiffs as it would have a reasonable person. Plaintiffs did not consent to the sexual abuse and harassment by FARLEY.

31.

During the period Plaintiffs were being sexually abused and harassed by FARLEY, Defendants had the authority and ability to prevent such abuse by removing FARLEY from his position as a physician at the Clinic Defendants. They failed to do so, allowing the abuse to occur and to continue unabated.

1 35.

2 The Clinic Defendants knew, or should have known, of FARLEY’s propensity and
3 disposition to engage in sexual misconduct with young patients before he sexually abused and
4 molested Plaintiffs, and knew of the probability that he would molest patients with whom he
5 came into contact, including but not limited to Plaintiffs.

6 36.

7 The Clinic Defendants failed to implement reasonable safeguards to avoid acts of
8 unlawful sexual conduct by FARLEY in the future, including avoiding placement of FARLEY in
9 a position where contact and interaction with vulnerable patients is an inherent function. The
10 Clinic Defendants ignored and suppressed the past sexual misconduct FARLEY had engaged in.

11 37.

12 The Clinic Defendants were apprised, knew or should have known, and/or were put on
13 notice of FARLEY’s past sexual abuse of patients, past complaints and/or investigations, and his
14 propensity and disposition to engage in such unlawful activity and unlawful sexual activity with
15 patients, such that the Clinic Defendants knew or should have known that FARLEY would
16 commit wrongful sexual acts with patients, including Plaintiffs. Personnel and/or employment
17 records and other records of the Clinic Defendants’ reflect numerous incidents of inappropriate
18 sexual contact and conduct with patients by FARLEY and other professionals, employees,
19 assistants, agents, supervisors and others, on the physical premises of such Clinic Defendants.
20 Based on these records, the Clinic Defendants knew and/or should have known of FARLEY’s
21 history of sexual abuse, past claims and/or past investigations, and his propensity and disposition
22 to engage in unlawful activity and unlawful sexual activity with patients, such that Defendants
23
24

1 knew or should have known that FARLEY would commit wrongful sexual acts with those
2 patients, including Plaintiffs.

3 38.

4 Because of the relationship between Plaintiffs and the Clinic Defendants, Defendants had
5 an obligation and duty under the law not to hide material facts and information about FARLEY's
6 past, and his deviant sexual behavior and propensities. Additionally, the Clinic Defendants had
7 an affirmative duty to inform, warn, and institute appropriate protective measures to safeguard
8 patients who were reasonably likely to come in contact with FARLEY. The Clinic Defendants
9 willfully refused to notify, give adequate warning, and implement appropriate safeguards,
10 thereby creating the peril that ultimately damaged Plaintiffs.

11 39.

12 As part of the Clinic Defendants' conspiratorial and fraudulent attempt to hide
13 FARLEY's propensity to sexually abuse and molest patients, and prior sexual misconduct with
14 patients, from public scrutiny and criminal investigation, the Clinic Defendants implemented
15 various measures designed to conceal FARLEY's conduct including:

- 16 a) Permitting FARLEY to remain in a position of authority and trust after the Clinic
17 Defendants knew or should have known that he molested his young patients;
- 18 b) Placing FARLEY in a separate and secluded environment, at the Clinic Defendants,
19 which granted him unfettered access and control over patients even when he was
20 purporting to conduct extremely sensitive medical treatment, thereby allowing
21 FARLEY to physically and sexually interact with patients, including Plaintiffs;
- 22 c) Failing to disclose and actively concealing FARLEY's prior record of misconduct,
23 sexual abuse, harassment and molestation and his propensity to commit such acts

1 towards patients in the Clinic Defendants from their patients, the public at large, and
2 law enforcement;

3 d) Allowing FARLEY to have unfettered and un-controlled access to young patients,
4 including the Plaintiffs;

5 e) Holding out FARLEY to Plaintiffs, other patients at the Clinic Defendants, and the
6 public at large as a trustworthy and honest person of high ethical and moral repute
7 who was capable and worthy of being granted unsupervised access to the patients of
8 the Clinic Defendants;

9 f) Failing to investigate or otherwise confirm or deny such facts about FARLEY,
10 including prior complaints, claims and investigations for sexual abuse;

11 g) Failing to inform, and actively concealing from Plaintiffs and law enforcement
12 officials the fact that Plaintiffs and others were or may have been sexually abused,
13 harassed and molested, after the Clinic Defendants knew or should have known
14 FARLEY may have sexually abused Plaintiffs or others, thereby enabling Plaintiffs to
15 continue to be endangered and sexually abused, harassed, molested, and/or creating
16 the circumstance where Plaintiffs and others were less likely to receive proper
17 medical treatment, thus exacerbating the harm to Plaintiffs;

18 h) Holding out FARLEY to Plaintiffs and to the community as being in good standing
19 and trustworthy;

20 i) Cloaking FARLEY's prior sexual misconduct with patients within the facade of
21 normalcy, thereby disguising the nature of his sexual abuse and contact with young
22 patients;

- 1 j) Failing to take reasonable steps and to implement reasonable safeguards to avoid acts
2 of unlawful sexual conduct by FARLEY such as avoiding placement of FARLEY in
3 functions or environments in which his intimate contact with young patients was
4 inherent; and
- 5 k) Failing to put in place a system or procedure to supervise or monitor physicians,
6 chaperones, and agents to insure they do not molest or abuse patients in Defendants'
7 care, and that they further report all reasonable suspicions of sexual assault and
8 battery to law enforcement pursuant to Oregon law.

9 40.

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

18 **BREACH OF DUTIES TO THE PLAINTIFFS AND THE PUBLIC**

19 41.

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

- 23 a) Report reasonable suspicions of sexual abuse to law enforcement.

- b) Use reasonable care to protect participants and members from known or foreseeable dangers;
- c) Protect participants and members and staff, and provide adequate supervision;
- d) Ensure that any direction given to participants and members is lawful, and that adults act fairly, responsible and respectfully towards participants and members;
- e) Properly train staff so that they are aware of their individual responsibility for creating and maintaining a safe environment;
- f) Review the criminal history of applicants and current employees;
- g) Provide diligent supervision over patients;
- h) Act promptly and diligently and not ignore or minimize problems.
- i) Report suspected incidents of sexual abuse.

42.

Despite having a duty to do so, the Clinic Defendants failed to adequately train and supervise all staff to create a positive and safe environment, specifically including training to perceive, report, and stop inappropriate sexual conduct by other members of the staff, specifically including FARLEY and patients. In particular, the Clinic Defendants employed chaperones who were responsible for ensuring that FARLEY did not sexually abuse his patients during examinations deliberately flouted this duty. Chaperones would routinely comply with FARLEY's request to leave the examination room, thereby allowing FARLEY unfettered access to sexually abuse his patients. In other cases, chaperones would deliberately look away from FARLEY while he was sexually abusing his patients or – perhaps even more egregiously – would watch the abuse yet remain silent. Moreover, the Clinic Defendant's chaperones failed to

1 report or investigate myriad complaints from patients that FARLEY had sexually abused them
2 over the years.

3 43.

4 The Clinic Defendants failed to enforce their own rules and regulations designed to
5 protect the health and safety of its patients. Further, they failed to adopt and implement safety
6 measures, policies, and procedures designed to protect patients, such as Plaintiffs from the
7 sexually exploitive and abusive acts of their agents and employees such as FARLEY.

8 44.

9 This failure was a part of the Clinic Defendants' conspiratorial plan and arrangement to
10 conceal FARLEY's wrongful acts, avoid and inhibit detection, block public disclosure, avoid
11 scandal, avoid the disclosure of their tolerance of patient sexual molestation and abuse, preserve
12 a false appearance of propriety, protect the reputation of the Clinic Defendants, and avoid
13 investigation and action by public authorities, including law enforcement. Such actions fostered
14 an environment where sexual abuse could continue to occur.

15 **JOINT AND VICARIOUS LIABILITY**

16 45.

17 Whenever in this complaint reference is made to "Defendants," such allegation shall be
18 deemed to mean the acts of Defendants acting individually, jointly, and/or severally. Each of the
19 Defendants was the agent, servant, employee, co-venturer, and co-conspirator of each of the
20 remaining Defendants, and was at all times herein mentioned, acting within the course, scope,
21 purpose, consent, knowledge, ratification and authorization of such agency, employment, joint
22 venture and conspiracy, whether actual or apparent, and under the Defendants' complete control
23 and/or active supervision

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46.

The acts and omissions herein alleged were done by Defendants, acting individually, through their capacity as agent, servant, employee, co-venturer, and co-conspirator and within the scope of their authority, and with the permission and consent of each and every other Defendant and that said conduct was thereafter ratified by each and every other Defendant, and that each of them is jointly and severally liable to Plaintiff.

47.

There existed a unity of interest and ownership among Defendants such that any individuality and separateness between Defendants ceased to exist. Defendants were the successors-in-interest and/or alter egos of the other Defendants in that they purchased, controlled, dominated, and operated each other without any separate identity, observation of formalities, or other manner of division. To continue maintaining the facade of a separate and individual existence between and among Defendants would serve to perpetrate a fraud and injustice.

48.

Defendants are individuals, corporations, partnerships and/or other entities that engaged in, joined in, and conspired with other Defendants and wrongdoers in carrying out the tortuous and unlawful activities described in this Complaint.

DAMAGES

49.

As a result of the above-described conduct, Plaintiffs have suffered and continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress including embarrassment, loss of self-esteem, disgrace, humiliation, and loss of

1 enjoyment of life that have prevented and will continue to prevent Plaintiffs from performing
2 daily activities and obtaining the full enjoyment of life. Plaintiffs have had difficulty in
3 meaningfully interacting with others, including those in positions of authority over Plaintiffs
4 including physicians, supervisors, and superiors at work. Plaintiffs have been limited in their
5 ability to meaningfully interact with others due to the trauma of this molestation and abuse. This
6 inability to interact creates conflict with Plaintiffs' values of trust and confidence in others, and
7 has caused Plaintiffs substantial emotional distress, anxiety, nervousness and fear. Plaintiffs have
8 suffered and will continue to suffer immensely, including, but not limited to, encountering issues
9 with a lack of trust, various negative psychological and emotional sequelae, depressive
10 symptoms, eating disorders, anxiety, and nervousness. Further, Defendants' conduct has so
11 deeply traumatized Plaintiffs, and damaged Plaintiffs' trust in health care professionals, that
12 Plaintiffs have avoided seeking necessary medical treatment, to the detriment of their health and
13 physical well-being. Plaintiffs seek recovery for noneconomic losses in an amount the jury
14 deems fair and not exceeding \$25,000,000.

15 50.

16 As a result of the above-described conduct, Plaintiffs' employment and professional
17 development has been adversely affected and they will sustain loss of earnings and earning
18 capacity. Plaintiffs have further incurred and will continue to incur expenses for medical and
19 psychological treatment, therapy, and counseling. Plaintiffs seek recovery for economic losses in
20 an amount the jury deems fair and not exceeding \$15,000,000.

21 51.

22 Defendants were health practitioners engaged in conduct regulated by the license,
23 registration or certificate issued by the Oregon Medical Board or other appropriate governing
24

1 body and were acting within the scope of practice for which the license, registration or certificate
2 was issued and without malice. In subjecting Plaintiffs to the wrongful treatment herein
3 described, Defendants acted willfully and maliciously with the intent to harm Plaintiffs, and in
4 conscious disregard of Plaintiffs' rights, so as to constitute malice and/or oppression. These
5 willful, malicious, and/or oppressive acts, as alleged herein, were ratified by the officers,
6 directors, and/or managing agents of the Defendants. Plaintiffs give notice that they will move
7 for leave to amend this complaint for recovery of punitive damages against Defendants in an
8 amount the jury deems fair pursuant to ORS 31.725.

9 52.

10 Each Defendant was responsible in some manner or capacity for the occurrences herein
11 alleged, and that Plaintiffs' damages were proximately caused by all said Defendants.

12 **FIRST CAUSE OF ACTION**

13 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

14 **(Against All Defendants)**

15 53.

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

18 54.

19 Defendants' conduct toward Plaintiffs, as described herein, was an extraordinary
20 transgression of the bounds of socially tolerable behavior.

21 55.

22 A reasonable person would not expect or tolerate the sexual harassment, molestation and
23 abuse of Plaintiffs by FARLEY, and Defendants' knowledge and callous indifference thereof.

1 Plaintiffs had great trust, faith and confidence in Defendants, which, by virtue of Defendants'
2 wrongful conduct, turned to fear.

3 56.

4 A reasonable person would not expect or tolerate Defendants' putting FARLEY, who
5 was known to Defendants to have physically and sexually abused other patients, in a position of
6 care of Plaintiffs and other patients, which enabled FARLEY to have access to female patients so
7 that he could commit wrongful sexual acts, including the conduct described herein.

8 57.

9 A reasonable person would not expect or tolerate the Defendants and their agents to be
10 incapable of supervising and/or stopping participants and members of Defendants, including
11 FARLEY, from committing wrongful sexual acts with other patients, including Plaintiffs, or to
12 supervise FARLEY.

13 58.

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

17 59.

18 As a result of the above-described conduct, Plaintiffs have suffered and continue to suffer
19 severe emotional distress and other damages as described more thoroughly herein.

1 **SECOND CAUSE OF ACTION**

2 **NEGLIGENCE**

3 **(Against the Clinic Defendants)**

4 60.

5 Plaintiff re-alleges and incorporates by reference herein each and every allegation
6 contained herein above as though fully set forth and brought in this cause of action.

7 61.

8 By virtue of Plaintiffs' special relationships with the Clinic Defendants, and the Clinic
9 Defendants' relation to Defendant FARLEY, the Clinic Defendants owed Plaintiffs a duty to act
10 reasonably in hiring, training, supervising, and retaining Defendant FARLEY.

11 62.

12 The Clinic Defendants had special duties to protect the Plaintiffs when their care,
13 welfare, and physical custody were entrusted to the Clinic Defendants' care, which the Clinic
14 Defendants voluntarily accepted. As such, the Clinic Defendants owed Plaintiffs a special duty
15 of care that medical professionals dealing with vulnerable medical patients owe to protect them
16 from harm. The duty to warn, education, and protect arose from the special, trusting,
17 confidential, and fiduciary relationship between the Clinic Defendants and Plaintiffs.

18 63.

19 The Clinic Defendants were negligent or grossly negligent in one or more of the
20 following ways that caused Plaintiffs' damages by:

21 a) Failing to engage in a reasonable, meaningful, and adequate investigation of

22 Defendant FARLEY's background prior to hiring or retaining him;

- 1 b) Hiring and retaining Defendant FARLEY, given his dangerous and exploitive
2 propensities;
- 3 c) Failing to provide adequate warning to Plaintiffs and other patients of Defendant
4 FARLEY's dangerous propensities and unfitness;
- 5 d) Failing to protect, supervise, and monitor Defendant FARLEY such that he would not
6 be placed in seclusion with vulnerable medical patients, including the Plaintiffs,
7 where he was able to commit wrongful acts of sexual misconduct;
- 8 e) Placing Defendant FARLEY into a position of trust and authority as a physician and
9 authority figure over patients and then failing to adequately supervise him in that role;
- 10 f) Failing to stop him from committing wrongful sexual acts with patients, including
11 Plaintiffs;
- 12 g) Failing to take reasonable steps to ensure the safety of patients, including Plaintiff,
13 from sexual harassment, molestation, and abuse;
- 14 h) Failing to implement a reasonable system or procedure to investigate, supervise,
15 oversee, and monitor conduct of physicians and healthcare professionals, including
16 Defendant FARLEY, to prevent sexual harassment, molestation and abuse of patients;
- 17 i) Concealing from Plaintiffs, the public, and law enforcement that Defendant FARLEY
18 had a documented history of sexually harassing and assaulting women; and
- 19 j) Representing expressly and implicitly to Plaintiffs and the public that their
20 physicians, including Defendant FARLEY, were not a sexual threat and was a
21 physician of high moral and ethical repute, in good standing, and trustworthy.
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1 64.

2 The Clinic Defendants, by and through their respective agents, servants, and employees,
3 knew or should have known of Defendant FARLEY’s dangerous and exploitive propensities and
4 that Defendant FARLEY was an unfit agent.

5 65.

6 The Clinic Defendants were put on notice and they knew and/or should have known that
7 Defendant FARLEY had previously engaged and was continuing to engage in unlawful sexual
8 conduct in his capacity as a physician for his own personal sexual gratification, and that it was
9 foreseeable that he was engaging and/or would engage in illicit sexual activities with Plaintiffs,
10 and others, under the cloak of the authority, confidence, and trust, bestowed upon him through
11 the Clinic Defendants.

12 66.

13 The Clinic Defendants were aware or should have been aware of how vulnerable medical
14 patients were to sexual harassment, molestation, and abuse by physicians and other persons of
15 authority within the Clinic Defendants’ entities.

16 67.

17 The Clinic Defendants’ conduct was a breach of their duties to Plaintiff.

18 68.

19 The negligent or grossly negligent acts and omissions of the Clinic Defendants were a
20 substantial factor in the cause of the Plaintiffs’ damages as alleged in this Complaint.

21 69.

22 As a result of the above-described negligent or grossly negligent conduct, Plaintiffs have
23 suffered and continue to suffer damages as described more thoroughly herein.

1 **THIRD CAUSE OF ACTION**

2 **FRAUD/CONCEALMENT**

3 **(Against All Defendants)**

4 70.

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

7 71.

8 By holding Defendant FARLEY out as an agent of the Clinic Defendants, and by
9 allowing him to undertake the medical care of patients, such as the Plaintiffs, the Defendants
10 entered into a confidential, fiduciary, and special relationship with Plaintiffs.

11 72.

12 By holding themselves out as qualified medical institutions, and by undertaking to
13 provide medical care of the Plaintiffs and others, the Defendants entered into a confidential,
14 fiduciary, and special relationship with the Plaintiffs.

15 73.

16 The special relationship between Plaintiffs and Defendants imposed a duty on Defendants
17 to disclose to the Plaintiffs all material matters of which the Defendants had knowledge. The
18 Defendants had the duty to obtain and disclose information relating to sexual misconduct of
19 Defendant FARLEY.

20 74.

21 The Defendants breached their confidential, fiduciary duty and special duties to the
22 Plaintiffs by the wrongful and negligent conduct described above and incorporated into this
23 cause of action, and in so doing, gained an advantage over the Plaintiffs in matters relating to
24

1 Plaintiffs' safety, security and health. In particular, in breaching such duties as alleged, the
2 Defendants were able to sustain their status as institutions of high moral repute, and preserve
3 their reputation, all at the expense of Plaintiffs' further injury and in violation of the Defendants'
4 mandatory duties.

5 75.

6 Defendants made false misrepresentations and/or suppressed and concealed facts when
7 they represented that they had no knowledge that Defendant FARLEY was a sex abuser; that
8 Defendant FARLEY had on prior occasions sexually abused patients, including the Plaintiffs;
9 that there were no other charges or complaints of unlawful or sexual misconduct against
10 Defendant FARLEY or others; and that there was no need for the Plaintiffs to take further action
11 or precaution. By giving Defendant FARLEY the position of principal and medical doctor, the
12 Clinic Defendants expressly and implicitly represented that Defendant FARLEY was safe and
13 morally fit to give patients medical care.

14 76.

15 The Defendants knew that the representations were false and/or recklessly made the
16 representations without knowing if they were true or false.

17 77.

18 The Defendants intended to mislead the Plaintiffs, knew that they were misleading the
19 Plaintiffs, and/or recklessly disregarded whether they were misleading the Plaintiffs. The
20 Defendants suppressed and concealed the true facts regarding Defendant FARLEY with the
21 purpose of preventing the Plaintiffs, the Plaintiffs' families, and others, from learning that
22 Defendant FARLEY was continuing to sexually harass and abuse patients under Defendant
23 FARLEY's and the Clinic Defendants' control; inducing people, including the Plaintiffs and
24

1 other patients to participate and financially support the Defendants and their enterprises;
2 preventing further reports and outside investigations into Defendant FARLEY and the Clinic
3 Defendants' conduct; preventing discovery of the Clinic Defendants' own conduct; avoiding
4 damage to the reputations of the Defendants; the Defendants' power and status in the
5 community; avoiding damage to the reputation of the Clinic Defendants, or the Defendants'
6 institutions; and avoiding the civil and criminal liability of the Clinic Defendants, Defendant
7 FARLEY, and potentially others.

8 78.

9 The Plaintiffs reasonably relied on the Defendants' representations. The Plaintiffs and
10 others were misled by the Defendants' suppressions and concealment of facts and were induced
11 to act or induced not to act, exactly as intended by the Defendants. Had the Plaintiffs known the
12 true facts about Defendant FARLEY, they would have not sought the care of the Defendants, or
13 continued to financially support the Defendants' activities. They would have reported the matters
14 to the proper authorities, and to other patients so as to prevent future recurrences; they would not
15 have allowed patients, including the Plaintiffs, to attend or be under the control of the
16 Defendants; they would have undertaken their own investigations, which would have led to
17 discovery of the true facts; and they would have sought psychological counseling.

18 79.

19 Because of Plaintiffs' young age, medical conditions, and because of the status of
20 Defendant FARLEY as an authority figure to Plaintiffs, Plaintiffs were vulnerable to Defendant
21 FARLEY. Defendant FARLEY sought the Plaintiffs out and was empowered by and accepted
22 the Plaintiffs' vulnerability. The Plaintiffs' vulnerability also prevented them from effectively
23 protecting themselves from the sexual advances of Defendant FARLEY.

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8 80.

At all times mentioned herein, Defendants, with knowledge of the tortious nature of their own and Defendant FARLEY’s conduct, knowingly conspired and gave each other substantial assistance to perpetrate the misrepresentations, fraud and deceit alleged herein—covering up the past allegations of sexual misconduct lodged against Defendant FARLEY, and allowing Defendant FARLEY to remain in his position as a medical provider and managing agent of the Clinic Defendants, so they could maintain their reputations and continue to make a profit.

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15 81.

The Clinic Defendants and Defendant FARLEY, in concert with each other and with the intent to conceal and defraud, conspired and came to a meeting of the minds whereby they would misrepresent, conceal or fail to disclose information relating to the sexual misconduct of Defendant FARLEY, the inability of the Clinic Defendants to supervise or stop Defendant FARLEY from sexually harassing, molesting and abusing patients, and their own failure to properly investigate, supervise and monitor his conduct with patients.

16
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18
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20
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22
23
24 82.

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

83.

Defendants acted in concert, and under their authority as a medical provider, with reckless disregard for the concern of the patients in its charge, in order to further financially benefit its business’s growth. The Defendants acted intentionally in creating an environment that harbored molesters, put its vulnerable patients at-risk of harm, ignored clear warning signs and their duties to report sexual abusers and molesters in their ranks, to maintain a façade of

1 normalcy, in order to maintain funding and provide further financial growth of the Clinic
2 Defendants. The safety of the patients that were entrusted to the Clinic Defendants and was
3 compromised due to Defendants desire to maintain the status quo of the Clinic Defendants'
4 organizations and avoid any public scrutiny for their misconduct.

5 84.

6 As a result of the above-described conduct, Plaintiffs have suffered and continue to suffer
7 damages as described more thoroughly herein.

8 85.

9 In addition, when Plaintiffs finally discovered the fraud of Defendants, and continuing
10 thereafter, Plaintiffs experienced recurrences of the above-described injuries, as well as extreme
11 and severe mental anguish and emotional distress that they had been the victim of Defendants'
12 fraud; that they had not been able to help other patients being harassed because of the fraud, and
13 that they had not been able because of the fraud to receive timely medical treatment needed to
14 cope with the problems they had suffered and continues to suffer as a result of the sexual
15 harassment and abuse.

16 **FOURTH CAUSE OF ACTION**

17 **ASSAULT AND BATTERY**

18 **(Against Defendant Farley)**

19 86.

20 Plaintiffs re-allege and incorporate by reference herein each and every allegation
21 contained herein above as though fully set forth and brought in this cause of action.
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23
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1 87.

2 During Plaintiffs' time as patients with the Clinic Defendants, Defendant FARLEY acted
3 with the intent to cause a harmful or offensive contact with the Plaintiffs, including but not
4 limited to the numerous aforementioned instances of sexual abuse and molestation, all while
5 FARLEY acted in the course and scope of his agency/employment with the Clinic Defendants.

6 88.

7 Defendant FARLEY's actions either directly or indirectly caused a harmful or offensive
8 contact with the Plaintiffs and/or caused the Plaintiffs apprehension that Defendant FARLEY
9 was going to cause an imminent harmful or offensive contact with the Plaintiffs and Plaintiffs
10 reasonably believed a harmful or offensive contact would occur.

11 89.

12 Because of FARLEY's position of authority over Plaintiffs, and Plaintiffs' mental and
13 emotional state, and Plaintiffs' young age, Plaintiffs did not give meaningful consent to such
14 acts.

15 90.

16 As a result of the above-described conduct, Plaintiffs have suffered and continue to suffer
17 damages as described more thoroughly herein.

18 **PRAYER**

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

- 21 a) For noneconomic damages in an amount the jury deems fair not exceeding
22 \$25,000,000;

