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ELECTRONICALLY FILED
Superior Court of California,
County of San Diego

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By Tamara Parra, Deputy Clerk

9 SUPERIOR COURT OF CALIFORNIA
10 COUNTY OF SAN DIEGO - CENTRAL DIVISION

11 CARLA JONES, on behalf of
12 herself and all others similarly situated,

13 Plaintiff,

14 vs.

15 SHARP HEALTHCARE, a California
16 Corporation, SHARP GROSSMONT
17 HOSPITAL, and DOES 1- 100, inclusive,

18 Defendants.

CASE NO.: 37-2017-00001377-CU-NP-CTL

[E-FILE]

CLASS ACTION

COMPLAINT

- 1) Breach of Fiduciary Duty;
- 2) Unlawful Recording of Confidential Information (Pen. Code §§ 632, 637.2);
- 3) Negligent Creation of Medical Information (Civ. Code § 56.101);
- 4) Negligent Maintenance of Medical Information (Civ. Code § 56.101);
- 5) Unlawful Disclosure of Medical Information (Civ. Code §§ 56 *et seq.*);
- 6) Invasion of Privacy – Intrusion Into Private Affairs;
- 7) Invasion of Privacy (Cal. Const., Art. 1, § 1);
- 8) Distribution of Private Sexually Explicit Materials (Action Based On Civ. Code § 1708.85)

[DEMAND FOR JURY TRIAL]

19 Plaintiff Carla Jones, on behalf of herself and all others similarly situated, alleges as follows:
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1 **INTRODUCTION**

2 1. Defendants secretly set up hidden cameras in all three Labor and Delivery operating
3 rooms at the Women’s Center at Sharp Grossmont Hospital. The hidden cameras recorded everything
4 that happened in the operating rooms whenever any person entered the room. In addition to capturing
5 video images of patients entering and exiting the operating rooms and undergoing surgical treatment, the
6 hidden cameras also recorded video images of births, including caesarean births, birth complications,
7 dilatation and curettage to resolve miscarriages, hysterectomies, sterilizations, and other medical
8 procedures. Patients were undressed, exposed, and at their most vulnerable during these procedures. The
9 videos captured images of internal and external physical body parts of patients as well as intimate
10 physical body parts of patients while they were in the care of their doctors and often under anesthesia.

11 2. Defendants recorded approximately 15,000 videos of patients in their operating rooms --
12 all in an alleged effort to catch someone removing drugs from the operating room cart. Defendants retain
13 at least 6,966 videos, after allegedly destroying some of them. In their overzealous pursuit of evidence
14 against someone possibly removing medication from their carts, Defendants breached the privacy rights
15 of thousands of patients when they were at their most vulnerable state, being disrobed and exposed in
16 front of their doctor.

17 3. Defendants further breached these patients’ privacy by allowing non-medical personnel,
18 such as security guards and their attorneys, to view these private videos.

19 4. This case is a class action under Code of Civil Procedure section 382, seeking recovery for
20 Defendants’ systematic and shocking breach of their patients’ privacy. Plaintiffs seek monetary damages
21 and penalties as a result of Defendants’ unlawful conduct. Damages and penalties are necessary both to
22 compensate Plaintiffs, and to deter Defendants from further breaches.

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24 **JURISDICTION AND VENUE**

25 5. The Superior Court of California for the County of San Diego has jurisdiction over this
26 matter because the allegations and claims herein arise under California common and statutory law.

27 6. Venue is proper in this Court pursuant to Code of Civil Procedure section 395(a).

1 Defendant regularly conducts business throughout California, including San Diego County, and a
2 substantial portion of the harm caused by Defendant to Plaintiffs and numerous other putative class
3 members took place in San Diego County.

4 **THE PARTIES**

5 7. Plaintiff Carla Jones resides in San Diego County, California.

6 8. More than two-thirds of the members of the proposed class are citizens of California.

7 9. Defendant Sharp HealthCare is a corporation organized under the laws of California and
8 maintains its principal place of business at 8695 Spectrum Center Boulevard, San Diego, CA 92123.

9 10. Defendant Sharp Grossmont Hospital is an affiliate of Sharp HealthCare that maintains its
10 principal place of business at 5555 Grossmont Center Drive, La Mesa, CA 91942.

11 11. Plaintiff is unaware of the true names or capacities of the Defendants sued herein under
12 the fictitious names DOES 1-100, but prays for leave to amend and serve such fictitiously named
13 Defendants once their names and capacities become known.

14 12. Plaintiff is informed and believes, and based thereon alleges, that each and all of the acts
15 and omissions alleged herein were performed by, or are attributable to, Defendants and DOES 1-100
16 (collectively “Defendants”), each acting as the agent for the other, with legal authority to act on the
17 other’s behalf. The acts of any and all Defendants were in accordance with, and represent the official
18 policies of Defendant Sharp HealthCare.

19 13. Plaintiff is informed and believes, and based thereon alleges that, at all times herein
20 mentioned, Defendants, and each of them, ratified each and every act or omission complained of herein.
21 At all times herein mentioned, Defendants, and each of them, aided and abetted the acts and omissions of
22 each and all the other Defendants in proximately causing the damages herein alleged.

23 14. Plaintiff is informed and believes, and based thereon alleges, that each of said Defendants
24 is in some manner intentionally, negligently, or otherwise responsible for the acts, omissions,
25 occurrences, and transactions alleged herein.

26 **GENERAL ALLEGATIONS**

27 15. On May 15, 2013, Plaintiff was admitted to Sharp Grossmont Hospital for the birth of her
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1 child who was later born on the same day, via an emergency caesarean section, performed in an operating
2 room at the Women's Center.

3 16. Plaintiff had a reasonable expectation of privacy during this experience, and that
4 Defendants would respect her privacy.

5 17. Unbeknownst to Plaintiff, Defendants had installed a hidden camera in the operating room
6 with a motion-detector sensor. Plaintiff is informed and believes that Defendants surreptitiously
7 recorded the birth of her child as well as Plaintiff's entire time in the operating room using this hidden
8 camera.

9 18. Plaintiff did not consent at any time to Defendants' recording of this private moment.

10 19. Plaintiff first became aware of Defendants' secret recording in May 2016.

11 20. In July 2012, Defendants installed video cameras on the drug carts in the operating rooms
12 in the Women's Center at Sharp Grossmont Hospital. The video cameras were installed on top of the
13 drug carts and equipped with motion-detecting sensors that triggered them to begin recording whenever
14 anyone entered the room, and continue recording even after motion stopped.

15 21. Defendants claim that this secret video surveillance was necessary as part of their
16 investigation into whether somebody was stealing the anesthesia drug propofol from drug carts in the
17 operating rooms. Despite that claim, Defendants' cameras were set up to record when any person
18 entered an operating room, to record a wide range of activity in the operating room beyond access to the
19 drug cart, and to continue recording even after motion stopped.

20 22. Defendants recorded approximately 15,000 video clips in the operating rooms between
21 July 2012 and June 2013. These videos show images of Defendants' female patients while they were in
22 the operating rooms. The cameras captured images of patients entering the operating rooms, being
23 moved onto surgery tables and exiting. Because of the angle and placement of the camera, patients'
24 faces were recorded and the patients were identifiable. These videos also show Defendants' female
25 patients conscious and unconscious, partially robed on operating room tables, undergoing medical
26 procedures and communicating with their doctors and medical personnel. Because of the nature of these
27 procedures, the videos captured women while they were emotionally and physically exposed, and at their
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1 most vulnerable. At times, Defendants' female patients had their most sensitive genital areas visible.

2 23. These videos contain matters of great sensitivity, going to the core of patient privacy
3 rights. Defendants recorded these videos in an area of Sharp Grossmont Hospital that is not open to the
4 public. Entry into the operating room is limited to Defendants' employees and doctors who need to be
5 there to perform medical procedures.

6 24. The secret videos contain images of female patients' and newly delivered babies with their
7 doctors that Defendants allowed non-medical personnel and strangers to view and have access to view,
8 including their security guards and attorneys, as part of the internal investigation.

9 25. The patients did not consent to being recorded by Defendants during their medical
10 procedures. Defendants have several policies that recognize and obligate them to respect the privacy of
11 their patients. Defendants' violations of their own policies underscore the shocking and serious nature of
12 their breach of patients' privacy. Defendants' Code of Conduct contains a "Standard of Behavior" for
13 confidentiality that states that "Sharp HealthCare protects customers' confidentiality, privacy and
14 modesty in all situations. We are sensitive to the personal nature of health care, and we do everything we
15 can to earn the trust that others place in us."

16 26. According to Defendants' list of "Patient Rights," their patients have a right to "[f]ull
17 consideration of privacy concerning their medical care program. Case discussion, examination, and
18 treatment are confidential and should be conducted discreetly. [Patients] have to right to be advised as to
19 the reason for the presence of any individual."

20 27. According to Defendants' list of "Patient Rights," their patients have a right to "[h]ave
21 [their] personal privacy respected."

22 28. According to Defendants' list of "Patient Rights," their patients have a right to
23 "[c]onfidential treatment of all communications and records pertaining to [their] care and stay in the
24 hospital." Defendants promise their patients that "[w]ritten permission shall be obtained before medical
25 records are made available to anyone not directly concerned with your care."

26 29. Defendants violated these rights by failing to disclose to their patients that a hidden
27 camera was installed in the operating room recording their procedures, essentially inviting an unlimited
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1 number of individuals to view the private circumstances of patients' medical treatment. Defendants
2 violated these rights further by allowing non-medical personnel, including security guards and attorneys,
3 to view the surreptitiously recorded videos.

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5 **CLASS ALLEGATIONS**

6 30. Plaintiff brings this action on behalf of herself, and on behalf of all other persons similarly
7 situated, and thus seeks certification under section 382 of the California Code of Civil Procedure.

8 31. The proposed Class in this action consists of and is defined as:

9 All persons who underwent a medical procedure in an operating room at
10 the Women's Center at Sharp Grossmont Hospital between July 17, 2012,
and June 30, 2013.

11 Subclass

12 All persons who underwent a medical procedure in an operating room at
13 the Women's Center at Sharp Grossmont Hospital between July 17, 2012,
14 and June 30, 2013 who had an intimate body part, such as any portion of
the genitals or any portion of the breast below the top of the areola,
uncovered or visible at any time while they were in the operating room.

15 32. There is a well-defined community of interest in the litigation and the Class is easily
16 ascertainable:

17 a. Numerosity: The members of the Class are so numerous that joinder of all members
18 would be unfeasible and impractical. The membership of the entire Class is unknown
19 to Plaintiffs at this time, however, the Class is estimated to be greater than one
20 thousand (1,000) individuals and the identity of such membership is readily
21 ascertainable by inspection of Defendants' patient records.

22 b. Typicality: Plaintiff is qualified to, and will, fairly and adequately protect the interests
23 of each Class Member with whom she has a well-defined community of interest, and
24 Plaintiff's claims are typical of all Class Members' claims as demonstrated herein.

25 c. Adequacy: Plaintiff is qualified to, and will, fairly and adequately, protect the interests
26 of each Class Member with whom she has a well-defined community of interest and
27 typicality of claims, as alleged herein. Plaintiff acknowledges that she has an

1 obligation to make known to the Court any relationship, conflicts, or differences with
2 any Class Member. Plaintiff's attorneys and class counsel are versed in the rules
3 governing class action discovery, certification, and settlement. Plaintiff has incurred,
4 and throughout the duration of this action will continue to incur, costs and attorneys'
5 fees that have been, are, and will be necessarily expended for the prosecution of this
6 action for the substantial benefit of each Class Member.

7 d. Superiority: The nature of Plaintiff's claims makes the class action procedure superior
8 to other methods. A class action will achieve economies of time, effort and expense as
9 compared with separate lawsuits, and will avoid inconsistent outcomes because the
10 same issues can be adjudicated in the same manner and at the same time for the entire
11 class.

12 e. Public Policy Considerations: California health care providers have strict obligations
13 with respect to the privacy of their patients. This action seeks to redress Defendants'
14 breach of patient privacy. A class action here serves the important public policy
15 consideration of allowing patients a type of anonymity that allows for the vindication
16 of their rights while still protecting their privacy.

17 33. There are common questions of law and fact as to the Class that predominate over
18 questions affecting only individual members, including, but not limited to:

- 19 a. Whether Defendants' recording of patients through a hidden camera violated their
20 right to privacy;
- 21 b. Whether Defendants' viewing of these recording violated the patients' right to
22 privacy;
- 23 c. Whether Defendants' obtained the written consent of any patient to this secret
24 recording through its admission or other forms;
- 25 d. Whether Defendants' breached their Code of Conduct regarding Standards of
26 Behavior regarding confidentiality of patients;
- 27 e. Whether Defendants' breached their list of Patient Rights; and

1 f. The appropriate amount of damages, restitution, and/or monetary penalties resulting
2 from Defendant's conduct.

3 **FIRST CAUSE OF ACTION**

4 **Breach of Fiduciary Duty**

5 **Against All Defendants and on Behalf of Plaintiffs and the Class Members**

6 34. Plaintiff and the Class Members incorporate by reference and re-allege as if fully stated
7 herein the material allegations set out in the preceding paragraphs.

8 35. Defendants owed a fiduciary duty to act with the utmost good faith in the best interests of
9 Plaintiff and the Class Members, and to act with reasonable care.

10 36. Defendants further owed a fiduciary duty to maintain inviolate the confidential
11 information of Plaintiff and the Class Members, including, but not limited to, their confidential
12 communications under California Evidence Code section 992.

13 37. Defendants had information relating to Plaintiff and the Class Members that they knew or
14 should have known was confidential.

15 38. Defendants used Plaintiff and the Class Members' confidential information for their own
16 benefit in conducting an internal investigation or communicated their confidential information to third
17 parties, all in violation of California Evidence Code section 994.

18 39. Plaintiff and the Class Members were ignorant of Defendants' conduct, did not authorize
19 their conduct, did not give informed consent, or were acting under duress.

20 40. Plaintiff and the Class Members' confidential information was not a matter of general
21 knowledge.

22 41. Plaintiff and the Class members placed trust and confidence in Defendants.

23 42. Defendants acted on behalf of Plaintiff and the Class Members in providing them with
24 medical treatment.

25 43. Defendants failed to act as reasonably careful medical professionals would have acted
26 under the same or similar circumstances, thereby breaching their fiduciary duties to Plaintiff and the
27 Class Members.

1 44. Plaintiff and the Class Members suffered harm, including but not limited to, suffering,
2 anguish, fright, horror, nervousness, grief, anxiety, worry, shock, humiliation, embarrassment, shame,
3 mortification, hurt feelings, disappointment, depression and feelings of powerlessness.

4 45. Defendants' conduct was a substantial factor in causing Plaintiff and the Class Members'
5 harm.

6 46. Defendants' conduct as alleged above was despicable; it was conduct so vile, base, or
7 contemptible that it would be looked down on and despised by reasonable people.

8 47. Defendants engaged in the conduct alleged above with malice, oppression, or fraud in that
9 Defendants' conduct was done with a willful and knowing disregard of Plaintiff and the Class Members'
10 rights, Defendants' conduct subjected Plaintiff and the Class Members to cruel and unjust hardship in
11 knowing disregard of their rights, or Defendants intentionally concealed a material fact (the secret
12 recording devices) and did so intending to harm Plaintiff and the Class Members or in reckless disregard
13 that such harm would result.

14 48. As a result, in addition to other remedies available, Plaintiff and the Class Members may
15 also recover damages to punish Defendants and deter future similar wrongful conduct.

16 49. Plaintiff and the Class Members are informed and believe that Defendants' conduct is
17 ongoing and will cause irreparable harm if an injunction does not issue, and therefore seek injunctive
18 relief.

19 **SECOND CAUSE OF ACTION**

20 **Unlawful Recording of Confidential Information – Penal Code sections 632 & 637.2**

21 **Against All Defendants and on Behalf of Plaintiff and the Class Members**

22 50. Plaintiff and the Class Members incorporate by reference and re-allege as if fully stated
23 herein the material allegations set out in the preceding paragraphs.

24 51. Defendants intentionally video recorded and/or eavesdropped on Plaintiff and the Class
25 Members' confidential communications and medical procedures in the operating rooms of SGH's
26 Women Center by using an electronic device (hidden video cameras).

27 52. Plaintiff and the Class Members had a reasonable expectation that their medical
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1 procedures were not being video recorded.

2 53. Plaintiff and the Class Members had a reasonable expectation that their communications
3 with medical personnel and their medical procedures were not being viewed by Sharp security personnel
4 or by anyone not physically present in the operating room at the time of these procedures.

5 54. Defendants, by acting as herein alleged, unlawfully recorded confidential information of
6 Plaintiff and the Class Members and violated Plaintiff and the Class Members' privacy rights in violation
7 of California Penal Code §§632 & 637.2.

8 55. Defendants did not have the consent of all parties to said conversations and
9 communications to record them.

10 56. Plaintiff and the Class Members suffered harm, including, but not limited to, suffering,
11 anguish, fright, horror, nervousness, grief, anxiety, worry, shock, humiliation, embarrassment, shame,
12 mortification, hurt feelings, disappointment, depression and feelings of powerlessness. Plaintiff and the
13 Class Members are entitled to treble damages for such harm.

14 57. Defendants' conduct was a substantial factor in causing Plaintiff and the Class Members'
15 harm.

16 58. As a result, and in addition to other available remedies at law, pursuant to Penal Code
17 section 637.2, Plaintiff and the Class Members are entitled to recover a sum equal to the greater of treble
18 their actual damages or statutory penalties of five thousand dollars (\$5,000) per class member per
19 violation.

20 59. Plaintiff and the Class Members, in accordance with Chapter 3 (commencing with Section
21 525) of Title 7 of Part 2 of the Code of Civil Procedure, also bring an action to enjoin and restrain the
22 Defendants from any violation of this chapter by continuing to secretly video record medical procedures
23 without the consent of all parties.

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2 **THIRD CAUSE OF ACTION**

3 **Negligent Creation of Medical Information**

4 **(Civil Code Section 56.101)**

5 **Against All Defendants and on Behalf of Plaintiff and the Class Members**

6 60. Plaintiff and the Class Members incorporate by reference and re-allege as if fully stated
7 herein the material allegations set out in the preceding paragraphs.

8 61. Under the California Confidentiality of Medical Information Act, including, without
9 limitation, Civil Code Section 56.101, Defendants owed Plaintiff and the Class Members a duty to act
10 with reasonable care.

11 62. The video recordings are medical information and contain individually identifiable
12 information, in electronic form, in possession of or derived from a provider of health care, health care
13 service plan, or contractor regarding a patient's medical history, physical condition, or treatment and the
14 medical information includes or contains an element of personal identifying information sufficient to
15 allow identification of the individual, including information and images that, alone or in combination
16 with other publicly available information, reveals the individual's identity. As such, they are "medical
17 information" within the meaning and intent of California Civil Code section 56.05(j).

18 63. Defendants, by secretly recording Plaintiff and the Class Members, and by acting as
19 alleged above, negligently created medical information in violation of the California Confidentiality of
20 Medical Information Act, Civil Code Section 56.101.

21 64. At all relevant times, Plaintiff and the Class Members were ignorant of Defendants'
22 conduct and Defendants acted without Plaintiff and the Class Members' authorization or informed
23 consent or Plaintiff and the Class Members were under duress.

24 65. Plaintiff and the Class Members suffered harm, including, but not limited to, suffering,
25 anguish, fright, horror, nervousness, grief, anxiety, worry, shock, humiliation, embarrassment, shame,
26 mortification, hurt feelings, disappointment, depression and feelings of powerlessness.

27 66. Defendants' conduct was a substantial factor in causing Plaintiff and the Class Members'
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1 harm.

2 67. As a result, and in addition to any other remedies available at law, pursuant to Civil Code
3 section 56.36, Plaintiff and the Class Members are entitled to actual damages and nominal statutory
4 damages in the amount of one thousand dollars (\$1,000) per class member per violation.

5 68. Plaintiff and the Class Members are informed and believe that Defendants' conduct is
6 ongoing and will cause irreparable harm if an injunction does not issue, and therefore seek injunctive
7 relief.

8 **FOURTH CAUSE OF ACTION**

9 **Negligent Maintenance of Medical Information**

10 **(Civil Code Section 56.101)**

11 **Against All Defendants and on Behalf of Plaintiff and the Class Members**

12 69. Plaintiff and the Class Members incorporate by reference and re-allege as if fully stated
13 herein the material allegations set out in the preceding paragraphs.

14 70. Under the California Confidentiality of Medical Information Act, including, without
15 limitation, Civil Code Section 56.101, Defendants owed Plaintiff and the Class Members a duty to act
16 with reasonable care.

17 71. The video recordings are "medical information" within the meaning and intent of
18 California Civil Code section 56.05(j).

19 72. Defendants breached their duties and violated the California Confidentiality of Medical
20 Information Act, Civil Code Section 56.101, by allowing their security personnel to view the recordings
21 of Plaintiff and the Class Members and by negligently creating, maintaining, preserving and storing
22 Plaintiff and the Class Members' medical information in a manner that failed to preserve the
23 confidentiality of that information.

24 73. Defendants further breached their duties and again violated the California Confidentiality
25 of Medical Information Act, Civil Code Section 56.10, by disclosing the surreptitious recordings of
26 Plaintiff and the Class Members to third parties during an internal investigation and by acting as alleged
27 above.

1 the confidentiality of their medical information.

2 83. Defendants breached their duties and unlawfully disclosed Plaintiff and the Class
3 Members' medical information in violation of the California Confidentiality of Medical Information Act,
4 Civil Code Section 56.101, by allowing their security personnel to view the secret recordings of Plaintiff
5 and the Class Members.

6 84. Defendants again breached their duties and unlawfully disclosed Plaintiff and the Class
7 Members' medical information in violation of the California Confidentiality of Medical Information Act,
8 Civil Code Section 56.10, by disclosing the surreptitious recordings of Plaintiff and the Class Members
9 to third parties during an internal investigation and by acting as alleged above.

10 85. Defendants failed to obtain a valid authorization to disclose Plaintiff and the Class
11 Members' medical information. Instead, Defendants' conduct was, at all relevant times, without Plaintiff
12 and the Class Members' knowledge, authorization or informed consent or Plaintiff and the Class
13 Members were under duress.

14 86. Defendants' wrongful conduct caused Plaintiff and the Class Members to sustain personal
15 injury in the form of suffering, anguish, fright, horror, nervousness, grief, anxiety, worry, shock,
16 humiliation, embarrassment, shame, mortification, hurt feelings, disappointment, depression and feelings
17 of powerlessness.

18 87. As a result, and in addition to any other remedies available at law, pursuant to Civil Code
19 section 56.35, Plaintiffs are entitled to recover compensatory damages, punitive damages not to exceed
20 three thousand dollars (\$3,000) per class member per violation, attorneys' fees not to exceed one
21 thousand dollars (\$1,000) per class member per violation, and the costs of litigation.

22 88. As a result, and in addition to any other remedies available at law, pursuant to Civil Code
23 section 56.36, Plaintiffs are entitled to actual damages and nominal statutory damages in the amount of
24 one thousand dollars (\$1,000) per class member per violation.

25 89. Plaintiff and the Class Members are informed and believe that Defendants' conduct is
26 ongoing and will cause irreparable harm if an injunction does not issue, and therefore seek injunctive
27 relief.

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2 **SIXTH CAUSE OF ACTION**

3 **Invasion of Privacy – Intrusion Into Private Affairs**

4 **Against All Defendants and on Behalf of Plaintiff and the Class Members**

5 90. Plaintiff and the Class Members incorporate by reference and re-allege as if fully stated
6 herein the material allegations set out in the preceding paragraphs.

7 91. Plaintiff and the Class Members had a reasonable expectation of privacy in the operating
8 rooms of Sharp Grossmont Hospital’s Women Center.

9 92. Plaintiff and the Class Members also had a reasonable expectation of privacy that their
10 communications with medical personnel and their medical procedures were not being video recorded.

11 93. Plaintiff and the Class Members further had a reasonable expectation that their
12 communications with medical personnel and their medical procedures were not being recorded by Sharp
13 security personnel or by anyone not physically present in the operating room at the time of said
14 communications and procedures.

15 94. Defendants intentionally intruded on Plaintiff and the Class Members’ privacy by
16 installing recording devices in the operating rooms.

17 95. Defendants also intentionally intruded on Plaintiff and the Class Members’ privacy by
18 recording Plaintiff and the Class Members’ confidential communications and medical procedures in the
19 operating rooms of Sharp Grossmont Hospital’s Women’s Center.

20 96. Defendants additionally intentionally intruded on Plaintiff and the Class Members’
21 privacy by allowing third parties, including Defendants’ security personnel and attorneys, to view the
22 recordings of Plaintiff and the Class Members.

23 97. Defendants further intentionally intruded on Plaintiff and the Class Members’ privacy by
24 disclosing certain recordings of Plaintiff and the Class Members to third parties during the course of an
25 internal investigation.

26 98. In acting as alleged above, Defendants’ violated Plaintiff and the Class Members’ privacy
27 rights at a time when Plaintiff and the Class Members’ were at their most vulnerable.

1 99. In acting as alleged above, Defendants' conduct was outrageous and motivated by a
2 commercial interest in disregard of Plaintiff and the Class Members' privacy rights.

3 100. Defendants' intrusion into Plaintiff and the Class Members' privacy would be highly
4 offensive to a reasonable person.

5 101. Plaintiff and the Class Members suffered harm, including, but not limited to, suffering,
6 anguish, fright, horror, nervousness, grief, anxiety, worry, shock, humiliation, embarrassment, shame,
7 mortification, hurt feelings, disappointment, depression and feelings of powerlessness.

8 102. Defendants' conduct was a substantial factor in causing Plaintiff and the Class Members'
9 harm.

10 103. Plaintiff and the Class Members are informed and believe that Defendants' conduct is
11 ongoing and will cause irreparable harm if an injunction does not issue, and therefore seek injunctive
12 relief.

13 **SEVENTH CAUSE OF ACTION**

14 **Invasion of Privacy – California Constitution, Art. 1, section 1**

15 **Against All Defendants and on Behalf of Plaintiff and the Class Members**

16 104. Plaintiff and the Class Members incorporate by reference and re-allege as if fully stated
17 herein the material allegations set out in the preceding paragraphs.

18 105. Plaintiff and the Class Members had a reasonable expectation of privacy in the operating
19 rooms of Sharp Grossmont Hospital's Women's Center.

20 106. Plaintiff and the Class Members also had a reasonable expectation of privacy that their
21 communications with medical personnel and their medical procedures were not being video recorded.

22 107. Plaintiff and the Class Members further had a reasonable expectation that their
23 communications with medical personnel and their medical procedures were not being viewed or heard by
24 Sharp security personnel or by anyone not physically present in the operating room at the time of said
25 conversations, communications and procedures.

26 108. Defendants intentionally intruded on Plaintiff and the Class Members' privacy by
27 installing recording devices in the operating rooms.

1 109. Defendants also intentionally intruded on Plaintiff and the Class Members' privacy by
2 recording Plaintiff and the Class Members' confidential communications and medical procedures in the
3 operating rooms of Sharp Grossmont Hospital's Women's Center.

4 110. Defendants additionally intentionally intruded on Plaintiff and the Class Members'
5 privacy by allowing Defendants' security personnel to view the recordings of Plaintiff and the Class
6 Members.

7 111. Defendants further intentionally intruded on Plaintiff and the Class Members' privacy by
8 disclosing certain recordings of Plaintiff and the Class Members to third parties during the course of an
9 internal investigation.

10 112. In acting as alleged above, Defendants' violated Plaintiff and the Class Members' privacy
11 rights under Article I, section 1 of the California Constitution.

12 113. In acting as alleged above, Defendants' conduct was outrageous and motivated by a
13 commercial interest in disregard of Plaintiff and the Class Members' privacy rights.

14 114. Defendants' intrusion into Plaintiff and the Class Members' privacy would be highly
15 offensive to a reasonable person.

16 115. Plaintiff and the Class Members suffered harm, including, but not limited to, suffering,
17 anguish, fright, horror, nervousness, grief, anxiety, worry, shock, humiliation, embarrassment, shame,
18 mortification, hurt feelings, disappointment, depression and feelings of powerlessness.

19 116. Defendants' conduct was a substantial factor in causing Plaintiff and the Class Members'
20 harm.

21 117. Plaintiff and the Class Members are informed and believe that Defendants' conduct is
22 ongoing and will cause irreparable harm if an injunction does not issue, and therefore seek injunctive
23 relief.

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1 **EIGHTH CAUSE OF ACTION**

2 **Distribution of Private Sexually Explicit Materials – Civil Code section 1708.85**

3 **Against All Defendants and on Behalf of Plaintiff and the Subclass Members**

4 118. Plaintiff and the Subclass Members incorporate by reference and re-allege as if fully
5 stated herein the material allegations set out in the preceding paragraphs.

6 119. Plaintiff and the Subclass Members underwent medical procedures on their reproductive
7 organs. During those procedures, Plaintiff and the Subclass Members’ intimate body parts were exposed,
8 uncovered and visible.

9 120. Plaintiff and the Subclass Members had a reasonable expectation of privacy in the
10 operating rooms of Sharp Grossmont Hospital’s Women’s Center.

11 121. Plaintiff and the Subclass Members also had a reasonable expectation of privacy that their
12 communications with medical personnel and their medical procedures were private and would remain
13 private.

14 122. Defendants knew or should have known of Plaintiff and the Subclass Members’ privacy
15 expectations.

16 123. Defendants intentionally intruded on Plaintiff and the Subclass Members’ privacy by
17 recording Plaintiff and the Subclass Members while they were in the operating rooms of Sharp
18 Grossmont Hospital’s Women Center and by capturing on video camera Plaintiff and the Subclass
19 Members’ intimate body parts.

20 124. Defendants intentionally distributed the secret video recordings of Plaintiff and the
21 Subclass Members to third parties, including Defendants’ non-medical employees, security guards, and
22 attorneys for review.

23 125. Defendants also intentionally distributed the secret video recordings of Plaintiff and the
24 Subclass Members to third parties during the course of an internal investigation.

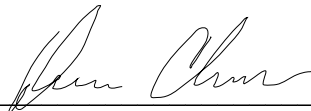
25 126. Plaintiff and the Subclass Members are informed and believe that many of these secret
26 recordings show Plaintiff and the Subclass Members’ intimate body parts, such as parts of their genitals
27 or parts of their breasts below the areola.

1 11. For an injunction ordering Defendants to cease and desist from the unlawful conduct
2 described herein; and

3 12. For such other and further relief as is just and proper.
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5 Dated: Jan 10, 2016

ADMIRE & ASSOCIATES

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8 By:  _____
9 Duane A. Admire

10 Attorneys for Plaintiff CARLA JONES
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