

# **EXHIBIT 3**

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*Interim Class Counsel and Plaintiffs' Executive Committee*

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

IN RE USC STUDENT HEALTH  
CENTER LITIGATION

No. 2:18-cv-04258-SVW

[Consolidated with:  
No. 2:18-cv-04940- SVW-GJS,  
No. 2:18-cv-05010-SVW-GJS,  
No. 2:18-cv-05125-SVW-GJS, and  
No. 2:18-cv-06115-SVW-GJS]

**DECLARATION OF ANNIKA K.  
MARTIN IN SUPPORT OF  
PLAINTIFFS' NOTICE OF  
MOTION AND RENEWED  
MOTION FOR PRELIMINARY  
APPROVAL OF CLASS ACTION  
SETTLEMENT AND TO DIRECT  
CLASS NOTICE**

1 I, ANNIKA K. MARTIN, declare under penalty of perjury as follows:

2 1. I am a partner at the law firm of Lief, Cabraser, Heimann & Bernstein  
3 LLP, and serve as Interim Class Counsel in this consolidated action. I submit this  
4 declaration in support of Plaintiffs' Notice of Motion and Renewed Motion for  
5 Preliminary Approval of Class Action Settlement and to Direct Class Notice. I have  
6 personal knowledge of the facts set forth below, and if called upon to do so, could and  
7 would testify competently thereto.

8 2. Throughout the course of this case, Interim Class Counsel has  
9 interviewed and met with hundreds of women who attended USC and who were  
10 injured by Dr. Tyndall's abusive conduct.

11 3. We also consulted with several experts who specialize in the trauma and  
12 emotional impacts resulting from sex abuse and gender-based violence, including  
13 several who had been involved with prior lawsuits based on similar sexual  
14 misconduct.

15 4. It became clear from those conversations that Dr. Tyndall engaged in a  
16 range of sexually inappropriate and abusive activity with Class members, and that his  
17 misconduct affected Class members in different ways.

18 5. Among the experts we spoke with was the Hon. Irma Raker (one of the  
19 proposed candidates for Special Master here), who oversaw and administered the  
20 claims process in the *Johns Hopkins* litigation. There, Judge Raker oversaw the  
21 adjudication of approximately 9,000 class members who submitted claims. Based on  
22 her experience with *Johns Hopkins* and in other cases, Judge Raker expressed her  
23 opinion that assigning specific dollar amounts to specifically defined injuries was not  
24 a fair or productive way to resolve a case like this. Instead, it is far preferable to have  
25 an adjudication process that allows awards to be tailored to the experience of each  
26 Class member.

1           6.       We also consulted with Dr. Glenn Lipson, a forensic psychologist with  
2 expertise in the emotional and psychological effects of sexual abuse and assault. Dr.  
3 Lipson has explained that a range of factors can affect a person’s response to abuse or  
4 trauma—even when the abuse or trauma is similar—including that person’s  
5 background, prior experiences, and values.<sup>1</sup>

6           7.       Based on those conversations and consultations, when it came time to  
7 discuss resolution of this case, we determined it would not be practical or ideal to  
8 generate a list of all possible injuries and assign dollar value to each. Although doing  
9 so would be simpler in some ways, it would fail to adequately account for the variety  
10 of ways different women experienced the same misconduct.

11           8.       Accordingly, we used the information we learned from Class members  
12 and experts to craft the three-tiered system based on Class members’ choice of  
13 engagement level, and assigning award ranges for each level. Then the three-person  
14 Panel will conduct a holistic review of each Tier 2 and Tier 3 claim, and determine an  
15 award amount for each within the applicable Tier range.

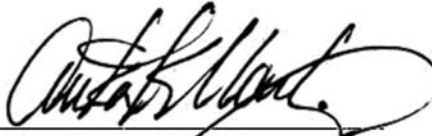
16           9.       While it would be administratively simpler to rotely apply a dollar value  
17 to each kind of conduct (e.g. \$X for inappropriate comments, \$Y for unnecessary  
18 pelvic exam), such a rigid approach would fail to account for the range of ways  
19 different women experienced the same misconduct. That is the reason Class Counsel,  
20 with the input and guidance of the experts, crafted a process that allows for more  
21 flexible compensation based on the details of each Class member’s experience.

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23           <sup>1</sup> See, e.g., Jennifer G. Long, National District Attorneys Association, Office on  
24 Violence Against Women, *Introducing Expert Testimony to Explain Victim Behavior*  
25 *in Sexual and Domestic Violence Prosecutions* (Aug. 2007), available at  
26 [https://www.forensichealth.com/wp-content/uploads/2016/10/  
27 pub\\_introducing\\_expert\\_testimony.pdf](https://www.forensichealth.com/wp-content/uploads/2016/10/pub_introducing_expert_testimony.pdf); Jerald Monahan, POLICE CHIEF MAGAZINE,  
*The Effect of Cultural Bias on the Investigation and Prosecution of Sexual Assault*,  
available at [http://www.policechiefmagazine.org/the-effect-of-cultural-bias-on-the-  
investigation/](http://www.policechiefmagazine.org/the-effect-of-cultural-bias-on-the-investigation/).

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I declare under penalty of perjury that the foregoing facts are true and correct and that this declaration was executed this 17th day of May, 2019.



Annika K. Martin