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Attorneys for Plaintiff  
JANET DOE

**FILED**  
YOLO SUPERIOR COURT  
MAR 14 2008  
  
BY L. CORREIA  
DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF YOLO

JANET DOE, a fictitiously named Plaintiff,  
Plaintiff,

v.

MARK KEVIN ANDERSON, ANDERSON  
STILES & MARBLE, and DOES 1 through  
100, INCLUSIVE,  
Defendants.

CASE NO. *008-579*

**COMPLAINT FOR DAMAGES**

- 1) **SEXUAL HARASSMENT (Cal.Civ. Code §51.9)**
- 2) **SEXUAL BATTERY (Cal.Civ. Code §1708.5)**
- 3) **VIOLATION OF CALIFORNIA BUSINESS AND PROFESSIONS CODE SECTIONS 726 & 1680**
- 4) **BATTERY**
- 5) **DENTAL NEGLIGENCE**

1 Plaintiff, JANET DOE, hereby alleges:

2 **GENERAL ALLEGATIONS**

3 1. Plaintiff, JANET DOE, was a dental patient of Defendants MARK KEVIN  
4 ANDERSON and ANDERSON, STILES & MARBLE. Plaintiff, JANET DOE, is a fictitiously  
5 named Plaintiff. Her identity is not included in this Complaint to protect her privacy, and to  
6 prevent further injury by reason of disclosure of her identity. Her identity will be disclosed to  
7 the Court *in camera* and to defense counsel.  
8

9 2. Defendant, MARK KEVIN ANDERSON, an individual, is a resident of Yolo  
10 County, California.

11 3. Plaintiff is informed and believes, and thereon alleges that Defendant  
12 ANDERSON, STILES & MARBLE is a dental partnership. ANDERSON, STILES &  
13 MARBLE conducts business at an office located at 74 West Lincoln Avenue in Woodland,  
14 California, County of Yolo.  
15

16 4. The true names and capacities, whether individual, corporate, associate, or  
17 otherwise, of Defendants sued herein as DOES 1 through 100, inclusive, are currently unknown  
18 to Plaintiff, who therefore sues Defendants by such fictitious names. Plaintiff is informed and  
19 believes, and based thereon alleges, that each of the Defendants designated herein as a DOE is  
20 legally responsible in some manner for the events and happenings referred to herein and caused  
21 injury and damage proximately thereby to Plaintiff as hereinafter alleged. Plaintiff will seek  
22 leave of the Court to amend this Complaint to reflect the true names and capacities of the  
23 Defendants designated hereafter as DOES when the same have finally been ascertained.  
24

25 5. Plaintiff is informed and believes, and based thereon alleges, that at all times  
26 mentioned herein, each of the Defendants was the partner, agent, servant, employee, co-venturer,  
27 and co-conspirator of each of the remaining Defendants, and was at all times herein mentioned,  
28

1 acting within the course, scope, purpose, consent, knowledge, ratification, and authorization of  
2 such agency, employment, joint venture, and conspiracy.

3 6. In or about mid to late 2005 and into 2006, during dental visits, Defendant,  
4 MARK KEVIN ANDERSON unlawfully, and without Plaintiff's consent performed  
5 inappropriate massages of plaintiff under the guise of treating her TMJ symptoms. He would sit  
6 behind her, lay the dentist chair back, and proceed to massage her jaw, neck, shoulders and chest.  
7 When he massaged her chest area, and would massage down until he was touching her chest in  
8 the area where her breast implants began. He advised plaintiff that he was massaging all of the  
9 muscles in these areas because they were all connected to her jaw, and it would help with her  
10 symptoms.  
11

12 7. The aforementioned touching occurred in the course and scope of the dentist-  
13 patient relationship while plaintiff was seated in a dental chair in the examination room of  
14 ANDERSON, STILES & MARBLE. DR. ANDERSON repeated this "massage" during her  
15 dental visits and would rest his hands on her chest as he spoke to her while she was seated in the  
16 dental chair. DR. ANDERSON knew that plaintiff had breast augmentation performed  
17 previously, and had made comments about her breast augmentation during these dental  
18 appointments on approximately 3-4 occasions.  
19

20 8. In or about July of 2006, plaintiff was experiencing jaw pain and a migraine  
21 headache and DR. ANDERSON told her to come to the dental office for a massage to see if that  
22 would relieve the pain. Plaintiff arrived at the clinic and approximately 4:30 p.m. and 5 p.m. and  
23 as the staff left for the evening, she was eventually left alone with DR. ANDERSON. He began  
24 his normal massage and massaged her jaws, neck, shoulders and chest. MARK KEVIN  
25 ANDERSON then unlawfully, and without Plaintiff's consent placed his right bare hand under  
26 Plaintiff's shirt and brassiere, began poking at her breasts with his fingers and then moved from  
27  
28

1 her left breast to her right, touching and sliding his fingers around and across her breasts and  
2 nipples. He asked how her breast augmentation was doing, and commented something to the  
3 effect that they still felt soft. The aforementioned touching and comments occurred in the course  
4 and scope of the dentist patient relationship while Plaintiff was seated in a dental chair in the  
5 examination room of ANDERSON, STILES & MARBLE.  
6

7 9. During the appointment in approximately July 2006 described above, DR.  
8 ANDERSON advised plaintiff that he had recently received training to examine moles. After  
9 improperly touching her breasts, he had plaintiff sit up in the dentist chair and he then lifted the  
10 bottom back of plaintiff's shirt all the way up her back to her neck. Plaintiff grabbed the front of  
11 her shirt underneath her bra and got up out of the chair quickly and left the premises.  
12

13 10. On each occasion described above, plaintiff had no knowledge that Defendant  
14 MARK KEVIN ANDERSON would touch her in an inappropriate sexual manner. At no time  
15 did Plaintiff provide consent to having MARK KEVIN ANDERSON touch her breasts.  
16

17 **I.**  
18 **FIRST CAUSE OF ACTION**  
19 **Sexual Harassment**  
20 **In Violation of California Civil Code Section 51.9**  
21 **(Against all Defendants)**

22 11. Plaintiff hereby re-alleges, and incorporates by reference as though fully set forth  
23 herein, the allegations contained in paragraphs 1 through 10. This cause of action is pled against  
24 all Defendants.  
25

26 12. Plaintiff and Defendants MARK KEVIN ANDERSON, ANDERSON, STILES &  
27 MARBLE, and DOES 1 through 100 were in a business, service, and professional relationship,  
28 namely a dentist-patient relationship.

1           13. Defendant MARK KEVIN ANDERSON engaged in multiple acts, all of which  
2 constitute physical conduct of a sexual nature based on gender. These acts were unwelcome,  
3 pervasive, and severe.

4           14. Because Defendants were entrusted with Plaintiff's dental care and the treatment  
5 of her Tempromandibular Joint and Muscle Disorder (also known as "TMJ" or "TMD"), there  
6 was an inability of the Plaintiff to easily terminate the relationship.  
7

8           15. The plaintiff has suffered or will suffer economic loss or disadvantage or personal  
9 injury, including, but not limited to, emotional distress, or the violation of a statutory or  
10 constitutional right, as a result of the conduct described in this Complaint.  
11

12           16. Defendants ANDERSON, STILES & MARBLE and DOES 1 through 100 knew  
13 or should have known of the sexual propensities of MARK KEVIN ANDERSON, and aided,  
14 incited, and conspired in the denial of Plaintiff's rights as set forth in California Civil Code  
15 Section 51.9, *inter alia*. Defendants ANDERSON, STILES & MARBLE and DOES 1 through  
16 100 failed to take all reasonable steps to take corrective and remedial action necessary to prevent  
17 or stop sexual harassment from occurring.

18           17. As a proximate result of the acts of Defendants, Plaintiff has suffered humiliation,  
19 embarrassment, mental and emotional distress, and discomfort in the form of nervousness,  
20 anxiety, nausea, gastrointestinal disorders, worry, and indignity.  
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22           18. Defendants MARK KEVIN ANDERSON, ANDERSON, STILES & MARBLE  
23 and DOES 1 through 100, committed the acts described in the Complaint, oppressively,  
24 fraudulently, and maliciously, entitling Plaintiff to an award of punitive damages against said  
25 Defendants.  
26

27           19. As a direct cause of the acts alleged above, Plaintiff has had to hire the services of  
28 an attorney. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees, and

1 is entitled to an award of attorneys' fees and costs pursuant to California Civil Code Section  
2 52(b)(3).

3 WHEREFORE, Plaintiff prays judgment as set forth below.

4  
5 **II.**  
6 **SECOND CAUSE OF ACTION**  
7 **Sexual Battery (California Civil Code Section 1708.5)**  
8 **(Against MARK KEVIN ANDERSON)**

9 20. Plaintiff hereby re-alleges, and incorporates by reference as though fully set forth  
10 herein, the allegations contained in paragraphs 1 through 19. This cause of action is pled against  
11 Defendant MARK KEVIN ANDERSON.

12 21. Defendant MARK KEVIN ANDERSON sexually battered Plaintiff by touching  
13 her breasts, without her consent.

14 22. Defendant MARK KEVIN ANDERSON acted with the intent to cause a harmful  
15 and offensive contact by use of Plaintiff's intimate parts, and a sexually offensive contact  
16 directly resulted.

17 23. As a proximate result of the acts of Defendant MARK KEVIN ANDERSON,  
18 Plaintiff has suffered humiliation, embarrassment, mental and emotional distress, and discomfort  
19 in the form of nervousness, anxiety, nausea, gastrointestinal disorders, worry, and indignity.

20 24. Individual Defendant MARK KEVIN ANDERSON committed the acts described  
21 in the Complaint, oppressively, fraudulently, and maliciously, entitling Plaintiff to an award of  
22 punitive damages against said Defendant.

23 WHEREFORE, Plaintiff prays judgment as set forth below.

24  
25 **III.**  
26 **THIRD CAUSE OF ACTION**  
27 **Violations of California Business & Professions**  
28 **Code Sections 726 & 1680**  
**(Against MARK KEVIN ANDERSON)**

25. Plaintiff hereby re-alleges, and incorporates by reference as though fully set forth

1 herein, the allegations contained in paragraphs 1 through 24. This cause of action is pled against  
2 Defendant MARK KEVIN ANDERSON.

3 26. Prior to 2005, Plaintiff entered into a dentist-patient relationship with Defendant  
4 MARK KEVIN ANDERSON for extensive dental treatment. During the relationship, Defendant  
5 MARK KEVIN ANDERSON gained the trust and confidence of Plaintiff. Defendant MARK  
6 KEVIN ANDERSON was also the treating dentist for Plaintiff's family and had a longstanding  
7 relationship with Plaintiff and her family.  
8

9 27. In or about mid to late 2005 and into 2006, Defendant MARK KEVIN  
10 ANDERSON sexually assaulted, abused and exploited Plaintiff by engaging in an unlawful  
11 touching and sexually exploitive conduct against Plaintiff.  
12

13 28. In or about July of 2006, Defendant MARK KEVIN ANDERSON sexually  
14 assaulted, abused and exploited Plaintiff by engaging in an unlawful touching and sexually  
15 exploitive conduct against Plaintiff.

16 29. At all times mentioned herein, Defendant MARK KEVIN ANDERSON exploited  
17 Plaintiff and abused his position of trust as Plaintiff's dentist. After gaining Plaintiff's trust and  
18 by virtue of his superior knowledge and training as a dentist, he sexually assaulted her.  
19 Defendant MARK KEVIN ANDERSON touched intimate parts of Plaintiff's body for the  
20 purpose of sexual arousal and gratification. This conduct was undertaken under the guise of  
21 necessary treatment for Plaintiff's dental condition.  
22

23 30. As a proximate result of the acts of Defendant MARK KEVIN ANDERSON,  
24 Plaintiff has suffered humiliation, embarrassment, mental and emotional distress, and discomfort  
25 in the form of nervousness, anxiety, nausea, gastrointestinal disorders, worry, and indignity.

26 31. At all times mentioned herein, California Business & Professions Code Section  
27 726 was in effect and binding on Defendant MARK KEVIN ANDERSON. Section 726, which  
28

1 provides in relevant part, that “[t]he commission of any act of sexual abuse, misconduct or  
2 relations with a patient...constitutes unprofessional conduct and grounds for disciplinary action.”

3 32. At all times mentioned herein, California Business & Professions Code Section  
4 1680 was in effect and binding on Defendant MARK KEVIN ANDERSON. Section 1680  
5 which provides in relevant part, “Unprofessional conduct by a person licensed under this chapter  
6 is defined as...: (e) the committing of any act or acts of sexual abuse, misconduct, or relations  
7 with a patient that are substantially related to the practice of dentistry.”  
8

9 33. At all times mentioned herein, Defendant MARK KEVIN ANDERSON was in  
10 violation of California Business and Professions Code Sections 726 and 1680.

11 34. As a proximate result of the acts of Defendants, Plaintiff has suffered humiliation,  
12 embarrassment, mental and emotional distress, and discomfort in the form of nervousness,  
13 anxiety, nausea, gastrointestinal disorders, worry, and indignity.  
14

15 35. Defendant MARK KEVIN ANDERSON committed the acts described in this  
16 Complaint, oppressively, fraudulently, and maliciously, entitling Plaintiff to an award of punitive  
17 damages against said Defendant MARK KEVIN ANDERSON.

18 WHEREFORE, Plaintiff prays judgment as set forth below.

19  
20 **IV.**  
**FOURTH CAUSE OF ACTION**  
21 **Battery**  
**(Against MARK KEVIN ANDERSON)**

22 36. Plaintiff hereby re-alleges, and incorporates by reference as though fully set forth  
23 herein, the allegations contained in paragraphs 1 through 35. This cause of action is pled against  
24 Defendant MARK KEVIN ANDERSON.  
25

26 37. In or about mid to late 2005 and into 2006, Defendant MARK KEVIN  
27 ANDERSON sexually assaulted, abused and exploited Plaintiff by engaging in an unlawful  
28 touching and sexually exploitive conduct against Plaintiff.



1 38. In or about July of 2006, Defendant MARK KEVIN ANDERSON sexually  
2 assaulted, abused and exploited Plaintiff by engaging in an unlawful touching and sexually  
3 exploitive conduct against Plaintiff.

4 39. As a result of Defendant MARK KEVIN ANDERSON's acts, as alleged above,  
5 said Defendant acted with the intent to make harmful and offensive contacts with Plaintiff's  
6 person.  
7

8 40. In doing the acts alleged above, Defendant MARK KEVIN ANDERSON made  
9 harmful and offensive contacts with Plaintiff's person on multiple occasions.

10 41. At no time did Plaintiff consent to the improper acts alleged above.

11 42. As a proximate result of the acts of Defendant MARK KEVIN ANDERSON,  
12 Plaintiff has suffered humiliation, embarrassment, mental and emotional distress, and discomfort  
13 in the form of nervousness, anxiety, nausea, gastrointestinal disorders, worry, and indignity.  
14

15 43. Individual Defendant MARK KEVIN ANDERSON committed the acts described  
16 in the Complaint, oppressively, fraudulently, and maliciously, entitling Plaintiff to an award of  
17 punitive damages against said Defendant.

18  
19 **V.**  
20 **FIFTH CAUSE OF ACTION**  
21 **Dental Negligence**  
22 **(Against All Defendants)**

23 44. Plaintiff hereby re-alleges, and incorporates by reference as though fully set forth  
24 herein, the allegations contained in paragraphs 1 through 43. This cause of action is pled against  
25 all Defendants.

26 45. Defendants, and each of them, negligently cared for, diagnosed, and treated  
27 Plaintiff and failed to exercise the standard of care and skill ordinarily required of dentists and  
28 technicians which proximately caused the injuries and damages sustained by Plaintiff.

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46. As a proximate result of the acts of Defendants, Plaintiff has suffered humiliation, embarrassment, mental and emotional distress, and discomfort in the form of nervousness, anxiety, nausea, gastrointestinal disorders, worry, and indignity.

**VI.**  
**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays judgment as follows:

1. For general damages in a sum according to proof;
2. For medical and related expenses according to proof;
3. For special damages, including but not limited to lost earnings and other employment benefits, past and future, according to proof, with interest thereon as allowed by law;
4. For reasonable attorneys' fees and costs, pursuant to California Government Code Section 52 (b)(3);
5. For civil penalties, each in the amount of \$25,000, for each violation of California Civil Code Section 51.9
6. For punitive damages pursuant to California Civil Code Sections 52(b)(1) and 3294;
7. For prejudgment interest on general and special damages; and
8. For all such other and further relief as the Court may deem just and proper.

Dated: March 14, 2008

**POSWALL WHITE & CUTLER**  
  
 \_\_\_\_\_  
 JENNIFER L. CUTLER  
 Attorneys for Plaintiff,  
 JANET DOE

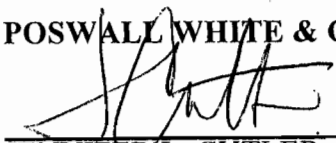
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**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands trial by jury.

Dated: March 14, 2008

**POSWALL WHITE & CUTLER**



\_\_\_\_\_  
JENNIFER L. CUTLER  
Attorneys for Plaintiff,  
JANET DOE