

PLEASE REVIEW

Notice of
Settlement



THE CLAIMANT

A Memoir

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IMPORTANT
▷ OPEN IMMEDIATELY ◁

1

When I was five years old, a sixteen-year-old boy fingered me in the woods. I remember very little about this event. I vaguely recall the boy approaching me, tall, lanky, eighties mullet haircut—I knew him—he was a neighbor who lived nearby. But I didn't know him then, not the way I would come to know him. I would come to know him as the scary-looking boy who smoked a cigarette at the end of his driveway, leering, sometimes waving hello. I would come to know him as the neighborhood kid I heard rumors about—troubled, into drugs and alcohol, adopted, as if that last rumor explained all the others away. I would come to know him as someone I pretended didn't exist. I'd avoid his stares, his hellos, his presence on the end of his driveway; even the smell of his cigarette smoke I would will away, the stench vanishing from thin air, much like I did the memory in the woods—poof, gone, I willed away its existence.

But in the moment he fingered me, I only knew him as a neighborhood kid who asked/invited/encouraged/coaxed me (I have no idea how I came to be standing with this

boy, so I can only imagine it was one of the above) to the edge of the woods across from my house.

He offered to carry me (insisted?) through the thick patch of woods so that the sticks and branches wouldn't scratch my legs. He lifted me in his arms and cradled me the way you would hold a newborn baby. It was awkward, uncomfortable, and I felt his body jostling mine as he moved quickly, deep into the woods.

Jason Heck. I certainly didn't know his name at the time. But now, in calling up such an intimate, violent moment, I feel knowing his name is necessary, to etch it forever onto the memory before I bury it deep and unforgiving in the recesses of my mind. Jason's fingers—maybe one, maybe two—pushed past my shorts and into my vagina. The image of shorts and the thick of green surrounding us are my only indications of time or season. It must have been summer. The air hot and thick and suffocating, the only type of summers we have in Missouri. For a brief instant, the shade of woods might have felt like relief, a release from unrelenting humidity, but for all I know, it was a cloudy, cool day. The memory of what happened to me is all-consuming, swallowing, erasing, obliterating any other thought or small detail.

The rough terrain of the woods made it seem that in trying to keep his grasp on me, his fingers had accidentally slipped inside of me, in a clumsy attempt to keep me tethered to him.

But even then, in my barely developed understanding of what was safe and what was not, this did not feel right. It's hard to say if I was scared. I was more focused on how strange it felt to have him inside me, that I even had an "inside."

And then after a minute, maybe ten, maybe shorter or longer—my memory is not measured in minutes or seconds, but in feelings of discomfort and desperately wanting to be put down—and then his release of me, on the other side of the woods, where I was left with a choice, to remember this event or to forever free myself from the burden of it. To grapple with what had happened to me was out of reach for such a small body and mind. The answer seemed simple; and although never spoken of out loud, never described in purposeful action, the memory of the neighborhood boy fingering me was left just where it had come to me, deep and dark, in the woods.

Thirty-eight years later, an envelope arrived in my mailbox. It was from the University of Southern California, my graduate school alma mater. It was a thick envelope, and yet I tossed it into the recycling bin without a further look. I might have noticed the words "Settlement," "USC Student Health Center," perhaps even a word in bold, "Important" (I truly have no memory of what might have been on the outside of the envelope; these are only my best guesses), but for whatever reason, or for a thousand reasons, I had neither the time nor the inclination to see what lay inside that envelope.

On occasion, my husband looks through the trash to see what items his wife might have thrown out, whether it be a kid's drawing, three-day leftovers that he had planned to eat, or a tattered sock he wants to keep as a rag. His hoarding tendencies and my loathing of clutter and mess can sometimes create a battle of wills that plays out in the game, "Who can get to the trash last before garbage day?" Regardless of our marital rituals, he took out that envelope, and did what I was unable to do, absorb the information inside.

There is a path from there to here, from that little girl in the woods to the grown woman, wife and mother of two children, who throws away too much and who married a man who saves too many things. But I didn't see it at the time, couldn't see it at the time, when my husband showed me the packet that informed me I was a part of a two hundred and fifteen million dollar settlement claim against USC as a result of the actions of ob-gyn George Tyndall. The name Tyndall was only vaguely familiar, and memories of the USC Student Health Center blurry and distorted, belonging to a world already seventeen years behind, distant, like a dream you can't recall when asked about, but can feel in your bones, knowing it's imprinted on you. An invisible thumbprint that only revealed itself when forced in ink and pressed down onto the page, in dark spiraled lines, proof of its curved existence.

Then there was the Claim Form, page 17, question number 4: "Have you had any experience prior to your visits with Dr. Tyndall that you felt constituted

inappropriate sexual behavior or abuse?” I may not have had immediate memories of George Tyndall, but the memory I left in the woods, of that little girl—it was like a door had suddenly been planted on my forehead. A door that had been patiently waiting thirty-eight years for me to open. And I opened it. To the sight of that little girl standing in her shorts, confused, scared, and lonely. If she reached out to me, I didn’t respond. I stood frozen, staring as though she were a stranger. Despite having opened the door, despite knowing she was me and I was her, I stood there, completely dumbfounded.

This isn’t a story about sexual assault. It’s about a girl and a woman, one and the same, dismissing two acts of sexual assault. Moving forwards and backwards through her life, unwilling to see the fragile thread of connection through time and space.

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Memories of George Tyndall:

1. He asked me if I was a runner because, he said, I looked very physically fit.
2. He noticed my freckles. I told him my dad had been treated for melanoma. He offered to do a full-body skin check; I let him.
3. He gave me a pelvic exam. Sometimes I can visualize it; other times I can't.
4. He noticed I had a cold. His stethoscope lingered on my breast, his finger on my nipple. We talked (he talked, I listened?) about running and breathing in irritants. Much like my memory of the woods, I don't know how long his hand/finger/the stethoscope remained on my breast and nipple. A record shows he diagnosed me with the flu.
5. I was in a long-distance relationship at the time. How the nature of my relationship came up in conversation, I'm not sure; I think my engagement ring, or a box I checked on a form about sexual partners. Regardless, he remarked that the distance must have made our reunions exciting, not in those words, but in other, more suggestive words.

What I have learned about memory: it's tricky, and sometimes evasive, and I don't like to think of the above. I get cold and steely, and tired.

The little girl from the woods, I have learned to embrace. I can weep at her image. Short tight curls, freckled cheeks, innocence in her eyes.

But this young adult, I have not yet let her in. I don't conjure her. I admonish her. She's twenty-five, old enough to know—get up, say something, move his fucking hand!

She does nothing. Cold and steely herself, layered under charm and charisma, layered over loneliness and self-doubt and self-loathing, layered over the little girl, who once was hope and love, until that was crushed in the woods.

I am still a work in progress. I will be back for the girl here.

3

When my husband first showed me the packet from USC, I still wasn't sure I had ever been a patient of George Tyndall. The day the envelope arrived, the day I threw it into the recycling bin, the day my husband found it, unbothered and unopened, it was summer, June 2019. I was forty-three years old. It was seventeen years since I attended USC, thirty-eight years after my childhood experience in the woods.

It's hard to go back to this moment, not because I became aware of the horrors of this man and what he had done to so many women, but because my initial reaction was so starkly different from how I feel now.

(I should warn you, I will not always be a likable character. I am flawed and at times grossly selfish, acutely aware of my greediness and need for recognition, for fuel to feed my self-worth —desperate to destroy a world that might be too congruent with my own inner belief system, which was, and sometimes still is: I do not matter.)

In the exchange, when the envelope passed from my husband's hand to my own, and I learned of the settlement

claim, I suddenly felt important. The idea that anything might have actually happened to me was so out of reach and foreign, I could only swell in the togetherness of being involved in such a case, a feeling of connectedness to something much bigger than myself.

Even in that connection, though, I was determined to build a wall. To ward off memory, to remain cold, to layer upon layer. I made jokes immediately, humor and sarcasm my first line of defense: “The fucker! *Why didn’t he abuse me?* I was in my prime! My boobs were so perky. My body, insane! We could be rich right now!”

Later, in the quiet of night, I googled the name George Tyndall and clicked “Images.” When his picture appeared, my whole body responded. Instinctive familiarity; the sense of an invisible anchor tied to my feet, thrown into the ocean. Deadweight. And yet, I was still uncertain. Isn’t that so strange? My body, my very cells, lightning-like in recognition, pulling me underwater. But my brain, doubting, questioning that I had ever even been in an exam room with him? It wouldn’t be the last time: body and mind, deeply divided.

A lawyer’s number was listed in the settlement packet. I remember making the call outside our home, walking our black Lab, Josie. I wasn’t yet willing to let this case penetrate any real part of my life. Since I was clinging to routine, the phone call was not an interruption of my day. It was merely absorbed into it.

The offices of Girard Sharp answered the line, a pleasant receptionist offering a “Hello,” and “How can I help you?”

I immediately lowered my voice. Softer, quieter. When I talked to the lawyer, I wanted to appear concerned by what I had received in the mail. I was ready to play wounded and sad. Isn't that how a victim of sexual assault should sound? I couldn't possibly show my eagerness to hear about how it all worked: the different tiers, possible settlement awards. All those questions would need to come up in subtle ways; they were not the purpose of my call, but rather an afterthought, as if I were being chivalrous in allowing the lawyer to do her job, explaining to me the nuances of this case.

My voice, low and gentle, "I'm calling because I received a packet in the mail regarding the case against USC and George Tyndall."

"Just one moment. I'm transferring you to Jennifer Manning."

There was a brief hold on the line and then, another voice answered, "Thank you so much for calling."

It was the way she said, "Thank you so much for calling," with such sincerity and kindness in her voice—as if Jennifer had personally created the packet for me, sealed the envelope, and walked it to the post office, only to wait patiently in her office for the day I would finally reach out.

(What stands out, immediately upon entering this process, is how kind and gentle each person I spoke to was. From my first interaction with Jennifer and the subsequent attorneys, to all the employees at the USC Student Health Center Records Department, to the representatives at Praesidium, a service partnered with USC to help victims

find therapeutic services, every single person treated me as special, my words as important, my questions as significant.

I'd be lying if I said I didn't love the attention. The more sympathetic they were, the deeper I dug into my part. *I was a victim of Tyndall after all. I remember, he assaulted me. I am traumatized.* I wanted to say these words, and even worse, I wanted them to be true. Why? It would take almost two years to find the answer.)

I am a screenwriter by trade. I imagine things in scenes. When Jennifer spoke, I pictured her in a fancy, bright, and open Beverly Hills office, sunny, palm trees swaying lazily in the background while I was in St. Louis, bending over to pick up dog shit, the scent wafting up into my nose. The contrast, between her believing I was a victim and me acting the role, played out in my visualization of our two realities.

Jennifer could have been in a windowless, cramped corner office. I wouldn't have known. For myself, I needed to create a world, a backstory for her. I'd always been like that, using imagination and invention to distance myself.

I was more honest than I had planned to be with Jennifer. I kept my voice soft and quiet, but true words came. While Tyndall's picture looked incredibly familiar, I had no real memories of him. What came to mind were two images, a visceral remembrance of the USC Student Health Center. The first, of the waiting room, cold like ice. In my memory, it never comes in a uniform shape, a room with four corners and four walls, but rather appears as if

one long warped hallway, like a circus mirror reflection. I remember sitting in a metal chair, either in the front or the back of the room, the location always changing. One detail remains constant though—me, alone, isolated from any other student, so very cold, clutching a clipboard.

The second, which was forced upon me: the USC pharmacy, separately located from the health center, but a place I would visit after a doctor's appointment to get prescribed medicine like birth control pills. The pharmacy was tiny, claustrophobic. White walls and off-white shelves stocked with all of your college essentials: Advil, tampons, body soap. Always a long wait, the line painfully slow, winding its way through the aisles. Restlessly, I'd shift weight from one foot to the other.

I told Jennifer of these images. They slipped out easily. I was desperate to be heard, desperate that she would assure me my two small memories could matter, could mean something. I felt a constant push-pull, a pushing of believing nothing had happened to me, that I may not have ever been a patient of Tyndall, but a pulling of something much deeper, that more memories might come. I hadn't yet learned to trust my body, but it was communicating with me, sending distress signals. The desperation in my voice was foreign to my ears, but born from somewhere deep within.

What I remember about that first phone call with Jennifer was her repeating the words, "There are a lot of women out there like you, Rachel." Maybe she only said it once, but it was a mantra I kept hearing as she spoke. *There are a lot of women out there like you, Rachel.* I heard it after

she said over 18,000 women had been contacted, 18,000 women who used the USC Student Health Center from 1989-2016. She said that USC only saves medical records for ten years. There might not be a permanent record of any visit I had with Tyndall. *There are a lot of women out there like you, Rachel.* He brought in women more often than necessary for pelvic exams. He was sexually suggestive. He took photos. *There are a lot of women out there like you, Rachel.*

I couldn't take all of it in, just as I couldn't read the articles about George Tyndall. More than a year later, when I began to share my story, it always surprised me that so many people had heard of George Tyndall and the scandal at USC. I went to school there, and was still in contact with former USC classmates, but never once did news about George Tyndall and the coverup appear on my radar, or perhaps it had, and just as I threw away the envelope, I subconsciously avoided it. *There are a lot of women out there like you, Rachel.* Were there? A lot of women out there like me? Changing the tone of their voice?

"Do you have a claimant number?" Jennifer's voice, kind and calm, interrupted the mantra I had on repeat.

"I don't know," I answered honestly.

"It would be on the upper left corner on each page of your packet. If you don't have a claimant number, you can still submit a statement of settlement class membership form to be included as part of the class."

A brief pause, as I searched my mind. “I don’t remember seeing a number.”

When I got off the phone and walked back to the house with Josie, I felt a wave of relief. I didn’t have a claimant number. Therefore, I had never seen George Tyndall. Sure, there was a little excitement lost at not being part of something bigger than myself, at knowing 18,000 other women were nothing like me. I let go of the mantra, let it drift with the wind, dissolve into a thousand tiny specks, words, letters, syllables all dismantled, expelled in different directions, all away from me.

I walked inside and heard the familiar commotion, two young boys playing with Daddy. A world of responsibility lay in wait: laundry, chores, papers to grade, attending to meals and boo-boos, a day’s worth of minutiae already weighing on me.

And yet, before I stepped through the threshold of the everyday, I crossed to my desk, where the USC packet sat next to my computer. I glanced at it once, and then again. I looked at the upper left corner, staring in disbelief, flipping through the pages, the proof staring back at me.

Claimant Number: DSNCDF5XXX

I still had not looked over the Claim Form questionnaire, had not stumbled upon page 17, question number 4. The young girl from the woods had yet to come through the doorway. But even in this moment, I could feel it. In my

armor, my wall, my layer upon layer of protection, a small crack had formed. A crack that would grow, splitting my insides, opening me up, raw and bloody and real. I would get lost between The Then and The Now, between childhood Rachel and adult Rachel. In order to get whole, to find my way back, I would need a bridge. Unlike the mantra that couldn't hold, the claimant number would remain steady, numbers and letters ironclad, unbending and unbreakable, connecting past to present, holding strong, even when I wasn't.