



the minimal compensatory damages that implicate this Honorable Court's subject-matter jurisdiction, to prevent Watson from further like conduct.

## **II. FACTUAL BACKGROUND**

Plaintiff is a licensed esthetician who owns and operates her own business in Houston, Texas. She markets her business through Instagram and obtains clients in that manner.

Defendant Watson and Plaintiff first made contact on Instagram on November 9, 2020, via direct message, wherein he expressed his interest in a massage. Plaintiff listed the services she offered as a licensed esthetician and provided her number upon Defendant Watson's request. On the phone she again explained to Watson that she was not a licensed massage therapist but a licensed esthetician. She offered to connect Watson with a licensed massage therapist. Watson declined, saying he already had licensed massage therapists and trainers provided by the Texans organization, and insisted that he wanted her to perform a massage. Plaintiff had never had any type of contact with Defendant Watson prior to this contact. Indeed, Plaintiff had never worked with any athletes from the Texans organization. Plaintiff found it somewhat peculiar that a NFL player would seek a massage from her, because she is not yet a well-known professional and it was her belief that a player like Watson likely had access to an entire team of trainers and the like. She inquired as to how he found her business and he explained that she came up on his "explore page" on Instagram. Plaintiff, like many small business owners, had been actively trying to grow her business and expand her client base, and Plaintiff was thus flattered, excited and encouraged that a professional football player would want to use her services. She thought such would be advantageous to her business.

Watson booked a massage with Plaintiff for that evening, stating he was doing so between a dentist appointment and a scheduled dinner. On the phone Watson inquired as to how Plaintiff

“draped”; she informed him that she intended to use what is common, a sheet and a blanket. Watson told Plaintiff he did not want to use sheets, and then inquired as to whether Plaintiff had towels. Plaintiff explained she had large towels and medium size hand towels. Curiously, Watson informed her the towels she had were unacceptable, and indicated that he would bring his own towel.

Upon his arrival, Plaintiff left Deshaun Watson alone so he could change. When Plaintiff returned Watson was completely naked, laying face down on her massage table with only a wash cloth covering his butt.

Once she collected herself, Watson asked Plaintiff if she remembered the areas of concern, to which Plaintiff replied “no.” He told Plaintiff he wanted her to focus on his “lower abs, groin, and quads.” Plaintiff thus started at Watson’s calves and worked her way up. When Plaintiff reached Watson’s buttock area, he repeatedly asked her to apply more pressure. Because of the strange behavior, Plaintiff became uncomfortable, as her thumbs were rubbing immediately adjacent to Watson’s anus, and he continued to ask for her to go deeper. At some point, Plaintiff told Defendant Watson she did not feel comfortable, and refused to go any closer to his anus. Plaintiff instead asked Defendant Watson to flip over.

After Watson flipped over onto his back, Plaintiff again started working on his lower legs and worked her way up. When she arrived at his inner thigh, Watson asked for her to apply more pressure. With her applying more pressure the position of her hands would have her rubbing against his scrotum and penis. Plaintiff again did not feel comfortable, and she expressed this to Defendant Watson and told him she was going to move on to his lower abs. In response he grabbed Plaintiff’s butt and attempted to start flirting. Watson’s penis was erect at this point and was completely exposed. Watson moved his penis onto Plaintiff’s hand in an attempt to get her to touch

it. Plaintiff asked incredulously what was he thinking and he replied “you can sit on it.” Plaintiff told him that was not professional and that is not how “she got down.” At that point, Plaintiff ended the massage. Plaintiff told Watson she would give him a moment to gather himself. Plaintiff walked out allowing him time to change; five minutes later he walked out of the room. In his hand he had what said on the top “Non-Disclosure Agreement,” telling her that in order for him to pay her she had to sign. Plaintiff, without reading the document, did so. Shortly after he left, Watson sent Plaintiff two hundred and fifty dollars via CashApp, although the service was only sixty five dollars. Plaintiff felt violated and terrified. All of the physical contact was unwanted.

Plaintiff confided in her business partner immediately after the session about what had taken place with Watson as she was extremely disturbed.

Defendant Watson reached out to Plaintiff some weeks after the session to say hello. Plaintiff was confused by this message. Plaintiff refused to work with Watson ever again.

The NFL is notorious for fostering a culture of sexual harassment and sexual assault. Despite its lip service and a strong ad campaign to the contrary, many of its players have been accused of committing heinous sexual crimes against women. The NFL is no stranger to scandal, certainly when it comes to offenses against women.

Although Plaintiff seeks minimal compensatory damages, it is to be noted that Plaintiff has suffered mental anguish as a result of Watson’s behavior. Plaintiff continues to replay the scenario over and over in her head. Plaintiff suffers from anxiety and panic attacks as a result of Watson’s conduct. Plaintiff is frustrated at Defendant stealing her integrity and that of her small business that she has sacrificed to grow. Plaintiff is now hesitant to work with any other sports figure in the future or new clients, for a fear of a repeat of this type of harassment.

Plaintiff brings this case for the minimum jurisdictional limits of this Honorable Court, to raise awareness, and to prevent Deshaun Watson and those like him from engaging in further conduct with other future victims.

**III. DISCOVERY PLAN**

Plaintiff intends to conduct discovery under Level 2 of the Texas Rules of Civil Procedure.

**IV. PARTIES**

Plaintiff Jane Doe is an individual residing in Texas.

Defendant Deshaun Watson is an individual residing in Texas. Defendant may be served via his counsel of record Rusty Hardin, Rusty Hardin & Associates, LLP, 1401 McKinney Street, Suite 2250, Houston, Texas 77010.

**V. VENUE AND JURISDICTION**

Venue and jurisdiction are proper. The relief requested is within the minimal jurisdictional limits of this Court. This is not a case about money. Pursuant to the Texas Civil Practice and Remedies Code, venue is proper in Harris County, Texas. This is the county where Defendant resides and the acts, events, transactions and omissions made the basis of this lawsuit occurred in whole or in part in Harris County, Texas.

**VI. CAUSES OF ACTION**

**A. CIVIL ASSAULT**

Plaintiff re-alleges each aforementioned allegation as if fully incorporated below.

Defendant Watson committed civil assault on Plaintiff. Specifically, Watson intentionally or knowingly caused physical contact with Plaintiff when Watson knew, or should have reasonably known, that Plaintiff would regard such contact as offensive. As a proximate result of the assault,

Plaintiff has suffered damages as described herein. Plaintiff's harm arises as a result of conduct that violates several sections of the Texas Penal Code, including:

- (1) Section 22.01(a)(3), Penal Code (assault);
- (2) Section 22.012, Penal Code (indecent assault); and
- (3) Section 42.07, Penal Code (harassment).

Thus, in addition to actual damages, Plaintiff seeks punitive damages, and such damages are not subject to capping.

**B. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

Plaintiff re-alleges each aforementioned allegation as if fully incorporated below.

Watson engaged in conduct to Plaintiff that is extreme and outrageous so as to exceed the bounds of decency in a civilized society, namely, he caused Plaintiff to experience mental suffering by forcing unwanted touching with his penis and hands, exposing his penis to Plaintiff and making sexually suggestive comments that were harassing and obscene.

Watson engaged in this conduct intentionally, knowingly, and willfully.

Watson's conduct proximately caused injury to Plaintiff. Plaintiff has sustained and will sustain pain and suffering and psychological and emotional distress, mental anguish, embarrassment, and humiliation.

Accordingly, Plaintiff is entitled to recovery against defendants for the damages proximately caused by Defendant Watson's conduct in an amount to be determined at trial. Further, because Plaintiff's harm arises as a result of conduct that violates several sections of the Texas Penal Code, including:

- (1) Section 22.01(a)(3), Penal Code (assault);
- (2) Section 22.012, Penal Code (indecent assault); and

(3) Section 42.07, Penal Code (harassment).

Thus, in addition to actual damages, Plaintiff seeks punitive damages, and such damages are not subject to capping.

**VII. DAMAGES**

As a direct and proximate result of Defendant's acts and omissions described above, Plaintiff has incurred the following damages:

- a. Conscious physical and mental pain and suffering, and anguish, past and future;
- b. Physical impairment, past and future;
- c. Loss of enjoyment of life and peace of mind, past and future;
- d. Reasonable and necessary medical, counseling, psychiatric, therapeutic and related expenses, past and future;
- e. Loss of earnings and earning capacity, and
- f. Such other damages that will be shown at trial.

Plaintiff seeks any and all damages to which she may be entitled. As stated, Plaintiff also seeks exemplary damages to deter such conduct going forward, and to make an example of this Defendant.

**VIII. NOTICE OF INTENT TO USE DISCOVERY AT TRIAL**

Pursuant to Texas Rule of Civil Procedure 193.7, Plaintiff hereby gives notice that she intends to use all discovery instruments produced in this case at trial. Such discovery instruments include, but are not limited to, all documents Defendant will produce, or has produced, in response to Plaintiff's written discovery requests.

**IX. REQUEST FOR JURY TRIAL**

Plaintiff respectfully demands a jury trial and hereby tenders the appropriate fee.

**X. PRESERVATION OF EVIDENCE**

Plaintiff hereby requests and demands that Defendant Watson preserve and maintain all evidence pertaining to any claim or defense related to the incident made the basis of this lawsuit, including but not limited to communications, electronic data, mapping data, and location data.

**XI. PRAYER**

By reason of all the above and foregoing, Plaintiff is entitled to recover from Defendant Watson the damages set forth in this petition, within the jurisdictional limits of this Court. Plaintiff also seeks pre-and post-judgment interest at the maximum legal rate, costs of court, punitive damages, and any other relief to which Plaintiff may be justly entitled.

Unofficial Copy Office of Marilyn Burgess District Clerk



Respectfully submitted,

**THE BUZBEE LAW FIRM**

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