

II. FACTUAL BACKGROUND

Plaintiff is a licensed massage therapist who owns and operates her own massage therapy business in Sandy Springs, Georgia. She is a single mom of two kids. She markets her business through Instagram and obtains clients in that manner.

Defendant Watson and Plaintiff first made contact on Instagram on March 3, 2021, via direct message, wherein he expressed his interest in a \$55 discounted massage that Plaintiff was offering that day. Plaintiff routinely provides professional massages from her office suite. Plaintiff had never had any type of contact with Defendant Watson prior to this message. Plaintiff had never worked with any athletes from the Texans organization and initially was unaware of Watson. After they exchanged a few messages, she finally did some research and realized who he was. 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. However, at the same time, because Plaintiff, like many small business people, had been actively trying to grow her business and expand her client base, Plaintiff was excited and encouraged that a professional football player would want to use her services.

Watson checked Plaintiff's online schedule and found that she was fully booked for the day. He informed Plaintiff of her schedule and she offered to schedule the massage for the next day at the same discounted rate of \$55.

Watson requested that Plaintiff come to a location in Buckhead, in Atlanta, Georgia for the massage on March 4, 2021. Plaintiff did not provide mobile services but agreed to come to Watson because she thought it would be good for business. Watson never provided an address but told her that he had a table and asked if she had sheets. She told him that she did. Watson did not reach out

to Plaintiff about the session until around 9:00 P.M. that evening. Plaintiff informed Watson that she felt uncomfortable meeting him for a massage that late at night and Watson agreed to reschedule the session for the next day in Plaintiff's office suite.

The next day, Watson asked Plaintiff if her suite was private, and she told him yes. Watson told her that he would prefer to enter her building through the back door. When Watson arrived, Plaintiff met him at the back door and led him into her suite. Watson did not want to fill out any paper work. Watson also informed Plaintiff that he only wanted a Swedish massage and not a sports massage. Watson further told Plaintiff not to use her knuckles or elbows, he told her to use gliding motions with her hands. Watson then told Plaintiff to remove her mask but she declined per COVID-19 guidelines.

As Plaintiff was preparing to leave the room for Watson to get undressed, he immediately got naked and lay on the massage table. Plaintiff was confused but proceeded to cover him up with a blanket and sheets. Watson told Plaintiff that he did not want the blanket because he "gets hot easily," so Plaintiff put away the blanket, draped Watson with the sheets alone and began the massage. When Plaintiff got to Watson's glute area, he asked her to remove the sheet and "get into his glutes." Plaintiff told Watson that she preferred to massage the glutes through the sheets to give more traction and that she did not allow clients to lay on her table naked. As she continued the massage, Watson got even more specific and asked Plaintiff to "go deeper" and to use the oils in his glutes. Plaintiff was uncomfortable but again she still wanted to give Watson the benefit of the doubt, she needed the business and the money as a single mom of two children. Plaintiff obtained permission from Watson to use her elbow to massage his glutes, as she presumed that he was feeling pain in that area. Shortly after, Plaintiff told Watson to flip over, so that she could work on his legs in the front. Watson told her that he did not want that and instead directed her to massage

his groin area and testicles. She refused. At this point, Watson started removing his draping and exposed his penis to Plaintiff. Plaintiff began to grow more uncomfortable and tried to cover him up. As Plaintiff was covering him up, Watson proceeded to put his penis on her hand. Plaintiff was shocked and immediately moved away. Eventually, Watson realized that Plaintiff was not going to entertain his advances, so he got dressed, paid Plaintiff and left.

The NFL is notorious in its own right for a culture that fosters 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. She further suffers from paranoia and anxiety. Plaintiff is hesitant to accept new clients, for a fear of a repeat of this type of harassment. As a result of Watson's conduct, Plaintiff is seeking counseling and is unsure of whether she will continue in the profession.

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 Georgia.

Defendant Deshaun Watson is an individual residing in Texas. Defendant may be served with process via his counsel of record, Rusty Hardin, Rusty Hardin & Associates, LLP, 1401 McKinney

Street, Suite #2250, Houston, TX 77010. or wherever he may be found.

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 in which Defendant resides.

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.

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 made a good faith effort to resolve this matter prior to the filing of this lawsuit. 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.

Respectfully submitted,

THE BUZBEE LAW FIRM

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