

II. FACTUAL BACKGROUND

Plaintiff is a flight attendant, who also owns her own business in Houston, Texas. She is a single mother and was a single mother at the time of the incidents. She was a massage therapy student at the time of the incidents. She would share her journey of massage therapy school with her followers on Instagram.

Watson sent Plaintiff a direct message on Instagram asking about her availability for a massage. Plaintiff had never worked with any athletes from the Texans organization. Plaintiff found it somewhat peculiar that Watson would seek services from her, because she was only a student at the time and did not have her license and it was her belief that a player like Watson likely had access to an entire team of professional trainers and the like. At the same time, Plaintiff had known Deshaun previously through mutual friends and so she initially felt very comfortable being around him and never could have imagined he would eventually assault her. She replied to him affirmatively that she could get him in for a session at some point in the future. Watson asked for her phone number. Later, Watson initially asked Plaintiff to come to a hotel at his private suite to do the massage. This request did not sit well with her because they had mutual friends so she did not want the massage to seem fishy being at a hotel. She declined to do the massage at a hotel.

After she refused the first time, Watson kept barraging her with messages. She felt harassed. Watson then reached out to a mutual friend of hers. This friend reached out to her best friend. Her best friend encouraged her to do the massage and said it would be okay. She then felt better doing it after her friend said it was okay. She then texted Watson back, saying she was not comfortable with the hotel. She said she did not have an official place yet to do the massage but when she was prepared with a location she would get back in touch with him. Nevertheless, Watson was persistent in wanting to schedule a massage with her. Indeed, at one point Watson got so

persistent that he offered to drive to Plaintiff in Pearland, Texas to her mother's house so they could do the massage.

The first session eventually took place at Plaintiff's mother's house on November 6, 2020. Before the massage, Watson texted Plaintiff, stating "...I even have a NDA I have therapist sign too." Because she had never worked with high profile athletes, Plaintiff thought maybe a NDA was normal. Now she has come to learn that Watson has massage therapists sometimes sign NDAs before or after sessions. She now knows there is no reason for someone like Watson to ask for a NDA, other than the conduct to come, or that has happened, is wrongful.

For the first massage, Plaintiff left the room to allow Watson to get undressed. Watson left his Non-Disclosure Agreement on the table for her to sign. When she came back into the room, she saw Watson laying on the table completely naked on his stomach with only a towel covering his buttocks. Plaintiff was trying to be professional and do the massage. By the end of the massage, she was sweating. Watson was being very aggressive with what he wanted her to do. He kept saying "get up in there" and "don't be scared" and "use your fingers." Plaintiff did not understand what Watson wanted her to do. There was nowhere for her to go. If she went any further down, she would have to massage his butt hole/butt crack area, which would have been inappropriate. Plaintiff thusly refused. Watson eventually flipped over onto his back. The towel was so small that the towel kept sliding off Watson's penis, to where he was completely exposed. Plaintiff had to keep putting the towel back in place. Watson also continued to direct her to his groin. Watson repeatedly stated "get up in there" and "don't be scared." Plaintiff was extremely uncomfortable because basically Watson was telling her to touch his penis. Plaintiff was not going to do it and refused. Plaintiff was very confused.

The massaged ended at 6:00 p.m. Watson left and walked outside. At 6:06 pm he texted Plaintiff while in the driveway saying, "Hope that wasn't bad." Plaintiff thought the massage had gone horribly. At around 7:00 a.m., the next day he texted her asking for another session. The entire time Plaintiff thought she just did not do a good job from a massage standpoint. She wanted to give it another try, and she also wanted to give him the benefit of the doubt.

The second session occurred on November 10, 2020 at around 11:00 a.m. at her mother's house in the living room. When Watson arrived at her mother's house, he told Plaintiff that he had just come from practice and had just gotten a massage before coming to the house. Plaintiff thought it was odd that Watson would now want to get another massage, but Watson explained he was an athlete and it was normal for him to get several massages in a day. The massage started the same way. Watson got completely naked and got on the massage table, laying on his stomach with only a small towel covering his buttocks. Again, Plaintiff was trying to be professional and do the massage the best she could. By the end of the massage, Watson was being very aggressive with what he wanted her to do. He kept saying "get up in there" and "don't be scared" and "you can use your fingers" and "you can get closer." Plaintiff did not understand what he wanted her to do. Again, there was nowhere for her to go. If Plaintiff went any further down, she would have to massage his butthole/butt crack area. That would have been inappropriate. Plaintiff refused. Watson kept telling Plaintiff "I am just trying to help you and show you how it's done."

Watson eventually turned over onto his back, and Plaintiff started to massage near his groin area. He got an erection. That made the towel slip off making him totally exposed. His penis also touched Plaintiff's hand several times because Watson kept aggressively moving his penis towards Plaintiff's hand. Plaintiff attempted to remain professional. Watson then ejaculated. The semen got all over Plaintiff's arm and hand. Plaintiff was trying to be professional but she was deeply

disturbed at this point. She wiped the semen off and finished the massage as quickly as possible. Watson got dressed and was grabbing his belongings when he asked her about getting another massage that same day. Plaintiff told him she would let him know just to get him out of the house. After Watson left the house, he sent her a text saying “Maybe 4:30 pm? At Houstonian. I see you’re getting comfortable with certain techniques and areas.” When Plaintiff declined to do the next massage, Watson texted her incessantly almost every day afterwards asking for a massage. Plaintiff did not respond to his messages. Watson would also call Plaintiff almost three times a day. Plaintiff would not answer his calls. Plaintiff felt violated, disgusted and betrayed.

Plaintiff reached out to one of her friends who played for the NFL and told him the complete story. This NFL player told her that there is a thin line between physical therapy and sexual pleasure. The NFL player said Watson crossed that line over into sexual pleasure.

The NFL is notorious 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 has not been able to move on from these experiences. She thinks about it all the time and continues to feel degraded. Plaintiff has difficulty sleeping and suffers from anxiety and depression. Plaintiff feels ashamed and at times blames herself.

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 with process via his counsel of record, Rusty Hardin, Rusty Hardin & Associates LLP, 1401 McKinney Street, Suite #2250, Houston, Texas 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 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 trying to coerce her to work on his penis and anus, touching her with his penis, ejaculating on her, and exposing his penis to her.

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.

Respectfully submitted,

THE BUZBEE LAW FIRM

By: /s/ Anthony G. Buzbee

Anthony G. Buzbee

State Bar No. 24001820

Crystal Del Toro

State Bar No. 24090070

Cornelia Brandfield-Harvey

State Bar No. 24103540

Brittany C. Ifejika

State Bar No. 24111011

Maria Holmes

State Bar No. 24075364

JPMorgan Chase Tower

600 Travis Street, Suite 7300

Houston, Texas 77002

Tel: (713) 223-5393

Fax: (713) 223-5909

Email: tbuzbee@txattorneys.com

Email: cdeltoro@txattorneys.com

Email: cbrandfieldharvey@txattorneys.com

Email : bifejika@txattorneys.com

Email : mholmes@txattorneys.com

www.txattorneys.com

ATTORNEYS FOR PLAINTIFF