

JUDICIAL DISTRICT

**JURY TRIAL DEMANDED**

1

Defendant Watson inquired about Plaintiff by reaching out to a yoga instructor friend of hers via Instagram on July 7, 2020, via direct message. He requested suggestions for a massage therapist that the yoga instructor would recommend in the area. When asked if he wanted a male or female massage therapist, Watson specifically requested that it be a female and requested to see the Instagram pages of the women so he could choose the specific therapist. The yoga instructor provided Plaintiff's Instagram page, along with others. He chose Plaintiff and verified her availability for that day. Watson provided his number to the instructor and asked that Plaintiff call or text him as soon as possible.

Plaintiff routinely provides professional massages from her business. Plaintiff had never had any type of contact with Defendant Watson prior to the day she scheduled his massage. Plaintiff had never worked with any athletes from the Texans organization. In fact, Plaintiff initially had no knowledge of who Deshaun Watson was. Once her friend explained who he was, she did some research on him prior to his scheduled session later that day. Plaintiff has worked on other athletes previously so she did not think it peculiar that Defendant Watson would search out a massage therapist outside of the Texans' organizational network.

Defendant Watson scheduled a Swedish massage with Plaintiff at 5 p.m. for the same day they were put in contact. Once he arrived at her business location Plaintiff asked him if he had any previous surgeries or whether he was experiencing pain. Defendant Watson answered in the negative, and made clear he was only looking for a massage to relax his muscles. Plaintiff started the massage with Defendant Watson face-down on the table; within ten minutes into the massage Defendant Watson told Plaintiff he did not want a massage on his back or legs. Instead, Watson aggressively dictated how the massage was to go from that point on. Watson told Plaintiff to focus only on his glutes. Plaintiff complied, as it is typical to have pain in the glutes due to the

sciatic nerve. Once she had completed massaging Defendant Watson's glutes, she attempted to work back up to his back. He again told her he did not want her working on his back and requested she penetrate his anus with her fingers and to massage him there. Plaintiff was shocked and confused. Plaintiff informed Defendant Watson that she could not do that and would not do that. Watson again aggressively demanded that Plaintiff stick her fingers into his anus. When Plaintiff responded no again, Defendant Watson realized that Plaintiff was not going to entertain his sexual advances, and stated that the massage was done. Plaintiff felt extremely uncomfortable and intimidated by Watson's behavior and requests. The massage lasted no more than thirty-five minutes. Plaintiff left the room so Defendant Watson could dress. He came out, paid for the massage and then left. Plaintiff felt violated, degraded and disgusted.

The NFL has been notorious for fostering a culture that sometimes ignores 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 is beside herself about the treatment of Defendant Watson towards her and the clear disrespect and abuse for her as a woman in her 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 Arizona.

Defendant Deshaun Watson is an individual residing in Texas. Defendant may be served at his home address at 11411 Legend Manor Drive, Houston, Texas 77082 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. 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 requesting that Plaintiff insert her fingers into his anus and trying to coerce her to work on his anus.

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 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. Loss of enjoyment of life and peace of mind, past and future;
- c. Reasonable and necessary medical, counseling, psychiatric, therapeutic and related expenses, past and future;
- d. Loss of earnings and earning capacity; and
- e. 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**

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