

II. FACTUAL BACKGROUND

Plaintiff is a free lancing make-up artist who owns and operates her own business in Houston, Texas. She is a single mother of one child. She markets her business through Instagram and obtains clients in that manner.

Defendant Watson and Plaintiff first made contact on Instagram on September 2, 2020, via direct message, wherein he asked if she was an aesthetician, and she explained that she was not. Defendant Watson then asked if she offered massages. Plaintiff said “yes” and that she makes her own oils. 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 went to his Instagram page 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 requested that Plaintiff come to his house after she finished with the client she had for the massage on September 2, 2020. Defendant Watson told Plaintiff she did not need a uniform and to dress comfortable in yoga pants or workout clothes. Plaintiff wore black bike shorts and a black t-shirt, it was customary for her as a make-up artist to always wear black.

Plaintiff had to go through security to reach Defendant Watson’s house. When she arrived he met her at the door and they walked upstairs to a room with a big screen T.V. and a sectional couch. She reminded Watson once again that she was not a licensed massage therapist; he told her

that was not a problem and requested a Swedish massage. Plaintiff had studied videos on Swedish massages to familiarize herself with the style prior to arriving to Watson's house. She explained to Defendant Watson that she would need guidance from him while performing the massage since she was not a professional. Watson said he would instruct her through the massage, and he had her retrieve baby oil from the restroom because he did not like the oils she brought.

Plaintiff stepped out to the restroom and when she came back Watson was standing there naked. He laid down on the floor face down on a bath towel that he put down. He asked Plaintiff if she was ok with him being naked, she tried to hide her dismay and said "yes" because she did not want to lose him as a client. Plaintiff's discomfort was clearly visible as Defendant Watson kept asking her if she was comfortable throughout the session.

Defendant Watson instructed Plaintiff to focus on his upper thighs, glutes, groin, and lower abdomen area. Plaintiff started massaging his lower calves and he asked her to rub his upper leg area instead. Plaintiff was very nervous and not sure what was happening or if it was right since she did not have training as a massage therapist, but it did not feel right. He kept instructing for her to go higher. Plaintiff, following Defendant Watson's instruction, would arrive at his anus and she would move back down. He instructed her to continue the previous motion. This led to her fingers almost partially rubbing his anus. She massaged his upper thighs and glutes, as he instructed, for nearly an hour.

Defendant Watson then flipped over, still fully naked with his penis exposed. He continued giving her directions, and told her to target his inner thighs and groin area. Plaintiff commenced massaging his inner thigh and Watson kept directing her to go closer to his genitals and anus, repeatedly. Her hand with this movement inevitably grazed his penis. Defendant Watson, in response would say "aw that felt good, do it again." Plaintiff then began to work around his penis

because she wanted to avoid grazing it again. Watson asked Plaintiff if there was a problem. She informed him that she wanted to remain professional. He told her “you can grab it if you want to.” Plaintiff again said “no,” and that she wanted to be professional. Plaintiff started to think that Watson had hired her for another reason. She continuously repeated to him that she wanted to do the massage. She stopped massaging the area closest to his genitals and anus, moving from there down to his upper inner thighs. Defendant Watson said “ok” and that the massage was done because he had a meeting to attend. The massage on the front side lasted no more than thirty minutes. He put on some shorts that were in the room and sent her \$160 via CashApp. Watson then walked Plaintiff back downstairs, and he gave her a touchy hug by grabbing her butt and said he would be in touch.

After the first massage, Defendant Watson contacted Plaintiff six times or more to book another massage. Plaintiff was apprehensive any time Watson requested a late night appointment. Defendant Watson booked, canceled, or rescheduled a number of times.

On November 17, 2020, Defendant Watson contacted her for a massage at 10:01 p.m. Plaintiff informed Watson that she would bring her massage table, she had purchased one in an effort to be more professional and to avoid any confusion as to the service. Defendant Watson told her “no” because he had a table. When Plaintiff arrived at Defendant Watson’s house, he asked her if he could lay on the floor like the first time. She was confused being that he told her he had a table, but she had driven a far distance and given his celebrity, she did not want to lose her pay for the appointment or him as a client. Plaintiff stepped out to have him change, when she returned, again he was naked laying on the bath towel on the floor, only this time he was face-up with his penis out. Plaintiff, like last time, explained she wanted to maintain things professional.

Defendant Watson started with asking her to rub his upper thighs and groin area, but he did not instruct her to move closer to the areas that made her uncomfortable. This went on for a long time, Plaintiff can not describe how slow time dragged by. After a long time had passed, Watson then asked her to go higher, and deeper in towards his anal area, and around his penis. She once again continuously expressed she wanted to keep it professional. Watson instructed her to grab his penis, and told her to touch it. She said “no.” Watson responded, “you touched it last time.” Plaintiff explained that if she did, she did not mean to and it was an accident. Watson continued to persist for a long period of time, Plaintiff just wanted this all to be over. Watson grew visibly agitated. Plaintiff felt helpless by Defendant Watson’s guiding her through the endless massage. It felt like eternity, trapped, and he was not going to end the massage until she touched him like he prodded her to. Defendant Watson started moving his hips around and instructing her on how to touch him.

Plaintiff was mentally beat, the pressure from Watson’s relentless instruction coercing her against her will left her powerless. In an effort to finally end the massage session, and with hopes to be free to leave, Plaintiff finally did as Watson had been instructing her to do for what felt like hours. Plaintiff placed her hand on his penis while he raised his hips masturbating himself. Defendant Watson sat up and he tried to lean in to kiss her, Plaintiff quickly turned her head away. Watson tried to stroke her hair, and kept trying to kiss her, Plaintiff again turned away. She would not let him kiss her. Watson grabbed her thighs and her butt, and told Plaintiff her pants were too tight asking her to take them off. Repulsed, she said “no.” Defendant Watson ejaculated on to Plaintiff’s hand. She rushed to the restroom to wipe her hands off, then she returned to the room, grabbed her bag quickly and headed to the stairs to leave. Watson stopped her and said he would walk her down.

Plaintiff was visibly upset and uncomfortable with all that transpired. Plaintiff was driving home when she received Watson's \$200 payment via CashApp. She had left so abruptly, that she did not even think of receiving payment.

Plaintiff tried to give Watson the benefit of the doubt, she needed the business and the money as a single mother. Plaintiff was initially excited to have Defendant Watson as a client, and hoped he would refer her more clients because he was high-profile. Instead she now feels ashamed, embarrassed, deeply distressed and confused by Watson's manipulating the massage and her into sexual coercion. Defendant Watson has shattered her image of herself and her future goals of attending the Houston School of Massage and Aesthetics. Plaintiff no longer cares to pursue massage therapy and no longer offers massages as a service.

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 depression and anxiety. Plaintiff no longer accepts massage clients, for a fear of a repeat of this type of harassment.

Plaintiff brings this case seeking compensatory damages at 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 Erica Chapman 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.

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 the defendant 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

Plaintiff seeks damages consistent with Tex. R. Civ. Proc. 47(c)(3), in that, as set forth above, Plaintiff also seeks punitive damages. 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 Elena 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