

CAUSE NO. 2021-25437

ASHLEY SOLIS, KRYSTLE DE ROSA,	§	IN THE DISTRICT COURT OF
SHENNEE LAWSON, TANGEE	§	
JOHNSON, KAYLAN HURRINGTON,	§	
LAUREN BAXLEY, TAVI TURNER,	§	
MARCHELLE DAVIS, KIMBERLY	§	
BRICE, KYLA HAYES, JESSICA	§	
WRIGHT, CHRISTINA LEE,	§	
SAMANTHA HARRIS, ROBIN	§	
CAICEDO, LATOYA JOHNSON	§	
HANKS, TOI GARNER, REBECCA	§	
NAGY, ROBINITTA MILLER,	§	HARRIS COUNTY, T E X A S
LINETH BALZA, CHELCIE BELL,	§	
LARKESHA CHRISTIE, and	§	
ERICA CHAPMAN	§	
	§	
v.	§	
	§	
DESHAUN WATSON	§	113 <sup>th</sup> JUDICIAL DISTRICT

**DEFENDANT DESHAUN WATSON’S MOTION FOR PROTECTION AND FOR AN EXTENSION OF DOCKET CONTROL ORDER DEADLINES**

Pursuant to Texas Rule of Civil Procedure 192.6, Deshaun Watson files this Motion for Protection and for an Extension of Docket Control Order Deadlines and shows this Court the following:

**I. SUMMARY OF THE ARGUMENT**

Mr. Watson seeks a modest accommodation to protect two key goals of the parties’ agreed docket control order (“DCO”) that are currently in jeopardy—largely because of delays created by the plaintiffs’ discovery conduct. Specifically, Mr. Watson seeks a 60-day extension of certain DCO deadlines. Mr. Watson also asks that his depositions be scheduled to begin after April 1, 2022, instead of after February 22, 2022.<sup>1</sup>

---

<sup>1</sup> The plaintiffs noticed Mr. Watson’s deposition at their lawyer’s office and have refused to conduct the deposition at the office of Mr. Watson’s lawyers—as is customary, so Mr. Watson asks that the location of the deposition be changed.

This small extension—which still has the parties preparing 22 cases for trial in just over a year—is necessary for two reasons. First, as is customary, the DCO contemplates the plaintiffs in these cases giving their depositions before Mr. Watson (the defendant) gives his deposition. Unfortunately, as of Monday of this week, 10 of the 22 plaintiffs<sup>2</sup> still had not appeared for their depositions:

- Five of these plaintiffs refuse to appear in person (despite their specific previous agreement to do so) because of concerns over the current COVID threat level in Houston and their respective residences;
- Four of these plaintiffs had, repeatedly—and unilaterally—canceled their scheduled depositions;
- And one of these plaintiffs had appeared for her deposition (after previously cancelling) and refused—based on instructions of counsel—to answer basic questions about her therapy session with Mr. Watson.<sup>3</sup> Plaintiff’s counsel then agreed to reconvene this deposition and permit Plaintiff to answer these basic, non-objectionable questions.

Given the number of plaintiffs yet to sit for deposition and the discovery conduct of Plaintiffs’ counsel, it is impossible to complete the remaining plaintiff depositions before the date on which Plaintiffs’ counsel unilaterally noticed Mr. Watson’s deposition.

---

<sup>2</sup> Of these ten plaintiffs, one was deposed today and one yesterday.

The plaintiff deposed yesterday, Chelcie Bell (who gave a false name when ordered to amend her petition with her name in this Court’s order dated April 9, 2021, in Cause No. 2021-18794) was deposed just yesterday, and she was instructed not to answer basic questions. For example, Ms. Bell (again, not her real name) testified that, in response to Mr. Watson’s request that she masturbate him and perform oral sex on him during two separate massages, she did so. Ms. Bell was instructed not to answer the following question: “So -- so just so we’re clear, you never told him no, ever, at any point during any of these massages?” *See* Exh. BB, Chelcie Bell Deposition, at 114:18-115:15. The other deposition, taken today, was of Christina Lee. This deposition had been delayed when, after multiple scheduling attempts, the first session of the deposition was suspended based upon Plaintiff’s counsel’s improper instructions not to answer questions, as discussed below.

<sup>3</sup> The question that Plaintiff’s counsel instructed Plaintiff not to answer—after repeated, improper speaking objections—was “And when you say ‘the thigh area,’ which numbers are you referring to [on a numbered anatomical drawing]?” *See* Exh. G, Christina Lee Deposition, at 74:9-76:10. *See also* Exh. J, Anatomical drawing about which Plaintiffs’ Counsel instructed her client not to answer.

There is also another issue. As has been widely reported, law enforcement authorities have been investigating eight of these cases for months. When the parties agreed to the DCO dates, Mr. Watson's lawyers reasonably believed that a criminal investigation into the plaintiffs' allegations, if any, would have concluded by now. It appears, however, that the investigation continues.

While no one can know when the criminal investigation will conclude, delaying Mr. Watson's deposition until April 1st (in addition to accomplishing the goal of completing the plaintiffs' depositions first) also makes it more likely that the criminal investigation will conclude before Mr. Watson's deposition—thus eliminating any potential Fifth Amendment issues and additional delays to these cases.

For these and the other reasons discussed in more detail below, Mr. Watson respectfully requests a 60-day extension of the discovery and certain other pretrial deadlines and seeks protection from this Court so that his deposition may take place after April 1st at the office of Mr. Watson's attorneys.

If the criminal investigation concludes by April 1, 2022, Mr. Watson is available for deposition beginning April 4, 2022.

## **II. PROCEDURAL BACKGROUND**

Starting last March, Plaintiffs' counsel identified 22 people who had allegedly massaged Houston Texans quarterback Deshaun Watson and had complaints about his conduct during the massage therapy sessions. Over the course of approximately two weeks, these 22 individuals sued Mr. Watson in rapid-fire succession—even though none had previously reported any complaint to law enforcement and most of the therapy sessions occurred over a year earlier.

In violation of Texas law, none of the plaintiffs put their name in their lawsuits. In violation of common sense, their lawyer initially refused to even provide the names confidentially to Mr. Watson's lawyers.

Eventually, this Court ordered the plaintiffs to comply with Texas law by amending their pleadings. The 22 separate cases were then consolidated for discovery in this Court, and discovery began in earnest with this Court's issuance of a docket control order (DCO) in May of last year.

None of the 22 separate cases are set for trial.

In the meantime, after filing civil lawsuits, eight of the plaintiffs made complaints to law enforcement—the majority of which allege conduct that, at the most, could only be considered a misdemeanor. Thereafter, Mr. Watson and his lawyers began fully cooperating with all law enforcement investigations. Though it is always difficult to determine when a criminal investigation will conclude, these investigations have been in progress for some time, and it is believed that they are drawing to a close.

Meanwhile, in this case, the plaintiffs employed a variety of dilatory tactics to prevent Mr. Watson from understanding the allegations asserted against him and, thus, adequately preparing his defense. These tactics are described in detail below and, despite efforts to resolve these matters without Court intervention, will be the subject of an impending motion to compel.

As detailed below, despite their refusal to permit Plaintiffs to answer basic, straightforward, and relevant questions about the conduct alleged in their respective petitions, Plaintiffs' counsel wants to spend weeks deposing Mr. Watson beginning on February 24, 2022—essentially forcing Mr. Watson to defend himself against allegations that are anything but clear, and about which many of the plaintiffs have yet to testify under oath. Plaintiffs' counsel refuses to move Mr.

Watson's deposition to a later date even though there is not a trial date, and no deadlines require the deposition of Mr. Watson.

Thus, to facilitate the completion of the plaintiffs' deposition (as initially planned and contemplated by the parties)<sup>4</sup> and to avoid unnecessarily complicating Mr. Watson's legal position during a criminal investigation, Mr. Watson respectfully requests protection and reasonable modifications to the DCO.

### **III. STANDARD OF REVIEW & APPLICABLE AUTHORITIES**

Trial courts have broad discretion under Texas Rules of Civil Procedure 192.4 and 192.6 to control the discovery process. *In re Moak & Moak, P.C.*, No. 10-08-00254-CV, 2008 WL 4742367, at \*1 (Tex. App.—Waco Oct. 29, 2008, no pet.). Indeed, in this case, the Court has exercised its discretion with respect to the timing, sequence, and location of discovery already by delaying the agreed in-person depositions of certain plaintiffs until the COVID threat level in Houston, or the state of residence of certain Plaintiffs, subsides. This is—of course—part of the reason that so many Plaintiffs have yet to sit for deposition, and that Mr. Watson now seeks a similar accommodation for the scheduling of his deposition.

In addition, Rule 192.6(b) expressly permits the Court to specify the time and place for discovery in order to “protect the movant” from, among other things, “invasion of . . . constitutional . . . rights.” In the Fifth Amendment context, Texas courts have construed the Court's power to protect constitutional rights under Rule 192.4 to mean that “[t]he trial court has an obligation to weigh each discovery request and apply the law for discovery or protection to each request by determining the least restrictive way to protect both cases and the defendant's right to

---

<sup>4</sup> It is important to note that Mr. Watson's counsel acted diligently to complete Plaintiffs' depositions and proposed a schedule that would have concluded Plaintiffs' depositions—and the depositions of Plaintiffs' designated expert witnesses—by the end of January 2022. For a variety of reasons outside of Mr. Watson or his counsel's control, that schedule, which was largely agreed to by Plaintiffs' counsel, never came to fruition.

defend himself in [the civil] suit.” *In re R.R.*, 26 S.W.3d 569, 574 (Tex. App.—Dallas 2000, no pet.). This means that “the trial court needs to give consideration to the effect of discovery in a civil case on pending criminal proceedings.” *Id.* Under this balancing analysis, Fifth Amendment concerns generally do not warrant a wholesale stay or abatement, and instead “the proper remedy is an individually tailored protective order.” *In re Gore*, 251 S.W.3d 696, 700 (Tex. App.—San Antonio 2007, no pet.). That is precisely what Mr. Watson seeks from this Court.

Federal courts have identified the following factors to weigh when balancing the proper scope of individually tailored protections for a civil defendant facing criminal exposure:

- (1) the extent to which the issues in the criminal case overlap with the issues presented in the civil case;
- (2) the status of the case, including whether the criminal defendant has been indicted;
- (3) the private interests of the plaintiff in proceeding expeditiously weighed against the prejudice to plaintiff caused by the delay;
- (4) the private interests of and burden on the defendants;
- (5) the interests of the courts; and
- (6) the public interest.

*Dominguez v. Hartford Fin. Services Group, Inc.*, 530 F. Supp. 2d 902, 905 (S.D. Tex. 2008).

“[W]hether and for how long to abate a civil proceeding while a criminal proceeding is pending involves matters uniquely suited to the discretion of the trial court.” *In re Moak & Moak, P.C.*, No. 10-08-00254-CV, 2008 WL 4742367, at \*2 (Tex. App.—Waco Oct. 29, 2008, no pet.).

#### IV. MOTION FOR PROTECTION, AND FOR EXTENSION OF CERTAIN PRE-TRIAL DEADLINES

Given both the need to complete the remaining plaintiff depositions, and the likelihood that the additional time will give clarity to the status of the criminal investigation, a brief delay of Mr. Watson's deposition strikes the proper balance required by Rule 192.6(b).

As detailed below, Plaintiffs' lawyers have engaged in obstreperous, dilatory tactics to prevent Mr. Watson's counsel from deposing the plaintiffs and obtaining relevant, and necessary information for Mr. Watson to prepare his defense. The delays that these tactics have created—and the additional delay anticipated by the need to re-depose some Plaintiffs—warrant the slight postponement Mr. Watson seeks.

In addition, considering this Court's obligations to weigh the interests of the case and Mr. Watson's interest in defending himself, "the least restrictive way to protect both cases and the defendant's right to defend himself in this suit," *see In re R.R.*, 26 S.W.3d 574, is to permit the brief delay of Mr. Watson's deposition and allow him to complete the plaintiffs' depositions (as originally planned) so that he may learn about and understand the allegations against him before sitting for his own deposition.

Mr. Watson's proposal has the benefit of maintaining the order of the discovery upon which the parties initially agreed while potentially preserving Mr. Watson's ability to testify in this case without undermining his constitutional rights in the ongoing criminal investigation.

**A. The dilatory tactics of Plaintiffs' counsel have delayed Plaintiffs' depositions, making additional time necessary to complete Plaintiffs' depositions before depositing Mr. Watson.**

In addition to refusing to present five plaintiffs for deposition, several other factors, including frequent—and often last-minute—cancellations and delays, failing to timely produce responsive documents, and arbitrarily instructing witnesses not to answer questions during

depositions have prevented Mr. Watson from completing Plaintiffs’ depositions. The discovery abuse by Plaintiffs’ counsel effectively deprives Mr. Watson of the opportunity to learn about the allegations made against him and allow him time to adequately prepare his defense.

**1. Plaintiffs’ Counsel’s Delays and Rescheduling**

Counsel for Plaintiffs and counsel for Mr. Watson agreed on a deposition schedule in which all Plaintiffs would be deposed before Mr. Watson. Despite this agreement, Plaintiffs’ counsel repeatedly cancels and reschedules Plaintiffs’ depositions:

<b>PLAINITFF</b>	<b>NOTICED DEPOSITION DATE</b>	<b>DATE OF CANCELLATION</b>
Tangee Johnson	1/10/22	1/10/22
Tangee Johnson	2/3/22	2/3/22
Erica Chapman	1/14/22	1/7/22
Chelcie Bell	1/6/22	1/5/22
Rebecca Nagy	12/15/21	12/15/21
Marchelle Davis	12/2/21	11/28/21
Christina Lee	1/4/22	1/3/22
Christina Lee	1/24/22	1/23/22

Plaintiff, Christina Lee, was scheduled to be deposed on January 4, 2022. Exh. K, Deposition Notice. Plaintiffs’ counsel cancelled Ms. Lee’s deposition the day before it was scheduled to occur. Exh. N, Email from Plaintiffs’ Counsel. Ms. Lee’s deposition was subsequently rescheduled for January 24, 2022. Exh. L, Deposition Notice. Again, the day before, Plaintiffs’ counsel cancelled Ms. Lee’s deposition. Exh. O, Email from Plaintiffs’ Counsel. It was eventually rescheduled—for the third time—for February 4, 2022. Exh. M, Deposition Notice. During Ms. Lee’s deposition, Plaintiffs’ counsel refused to allow Ms. Lee to testify regarding the



parts of Mr. Watson's body she massaged. Exh. G, Christina Lee Deposition at 73:19 -76:10; Exh. J, Numbered anatomical drawing.

Because Ms. Lee's therapy session with Mr. Watson is the entire basis for her claims, Mr. Watson's counsel was forced to suspend the deposition to seek court intervention. Exh. G, Christina Lee Deposition at 76:11-15. After Mr. Watson's counsel was forced to suspend the deposition, Plaintiffs' counsel walked back their position and, within three days (and twenty minutes of receiving the transcript), indicated they would allow Ms. Lee to testify regarding her massage therapy session with Mr. Watson and offered to reschedule Ms. Lee's deposition, saying:

There is no need to file a motion to compel, we can reschedule the deposition of Ms. Lee and I will refrain from instructing her not to answer questions asked in regards to Exhibit 111. [Exh. J to this motion.]

Exh. P, email exchange between Mr. Watson's counsel and Plaintiffs' counsel.

Now, because of the gamesmanship of Plaintiffs' counsel, Mr. Watson must unnecessarily spend yet another day attempting to depose Ms. Lee about basic facts underlying her claims against Mr. Watson.

Largely as a result of the constant cancellations and rescheduling, there are still six Plaintiffs whose deposition are not currently scheduled. And of those scheduled this week, there's no knowing whether they will actually go forward or whether Plaintiffs' counsel will instruct their clients not to answer questions aimed at discovering the most basic facts giving rise to Plaintiffs' allegations.

Counsel for Mr. Watson has been more than accommodating—repeatedly moving and rescheduling Plaintiffs' depositions. Despite this, Plaintiffs' counsel unreasonably refuses to slightly delay Mr. Watson's deposition. Counsel for Mr. Watson agreed to provide available

deposition dates in April. Plaintiffs' counsel refused, thus forcing Mr. Watson to seek protection from this Court.

**2. Plaintiffs' Counsel Continuously Refuses to Produce Relevant, Responsive Documents before Depositions.**

In the Plaintiffs' depositions that have occurred to date, relevant and responsive documents are identified by Plaintiffs that were not timely produced. As a result, Mr. Watson's counsel is forced to reserve time at the end of depositions to reconvene the depositions after Plaintiffs' counsel complies with its discovery obligations:

MS. GRAHAM: We will reserve the rest of our time and reserve the right to recall Ms. Hurrington once we get the remaining documents, identification of persons with relevant knowledge, and other information that we did not receive in discovery prior to today's deposition

MS. HOLMES: I do take note of the documents that you need, and I will get with my client to get you that, as well as the relevant information. And you've reserved whatever time you have left of the deposition time.

Exh. F, Hurrington deposition at 269:15-25.

MS. GRAHAM: We're going to reserve the remaining about 50 minutes, 53 minutes, that we have on the record and reserve the right to bring Ms. Garner back for a second deposition once we get the outstanding discovery that's been identified today, including the text messages with the D.A., text messages with HPD, additional contact info and communications with Jaleska Holman, and anything else that has been identified on the record as in her possession that either has not been searched for and/or has not been produced.

MS. BRANDFIELD-HARVEY: Okay. We're going to -- I'm going to pass. Reserve the rest.

Exh C, Garner deposition at 291: 2-15.

After the Plaintiffs' depositions, Counsel for Mr. Watson is forced to send discovery deficiency letters to Plaintiffs' counsel identifying—in almost every instance—basic discoverable information that could have and should have been provided prior to each respective Plaintiffs'

deposition. *See e.g.*, Exh. Q, Baxley Deficiency Letter; Exh. X, Solis Deficiency Letter; Exh. Y, Turner Deficiency Letter; Exh. U, Garner Deficiency Letter; Exh. W, Nagy Deficiency Letter; Exh. V, Johnson-Hanks Deficiency Letter; Exh. S, Jessica Wright and Lar’kesia Christie Deficiency Letter; Exh. R, Kyla Hayes and Robin Caicedo Deficiency Letter; Exh. T, Marchelle Davis Deficiency Letter.

This is after Counsel for Mr. Watson sent a discovery deficiency letter for all 22 Plaintiffs before depositions even began. Exh. AA.

Plaintiffs refuse to comply with their basic discovery obligations to produce information and documents that are relevant to the subject matter and proportional to the needs of the case before Plaintiffs’ depositions. *See* Tex. R. Civ. P. 192.3(a), 192.4(b); *In re Turner*, 591 S.W.3d 121, 126 (Tex. 2019). Because of Plaintiffs’ counsel, Mr. Watson is forced to go through the tedious process of taking a deposition, learning about relevant and responsive information and documents *while* questioning the witness, suspending the deposition, sending a deficiency letter, and then reconvening the deposition once Plaintiffs comply with their discovery obligations. Not only is this process a needless waste of time and resources, it is antithetical to the purpose of civil discovery. Plaintiffs should not be permitted to benefit from their discovery abuse, especially when it results in substantial prejudice to Mr. Watson.

### **3. Plaintiffs’ Counsel Improperly Instructs Plaintiffs not to Answer Proper, Relevant Questions**

Another tactic Plaintiffs’ counsel use to obstruct discovery and hide the truth is to consistently instruct Plaintiffs not to answer relevant, proper questions. The questions Plaintiffs’ counsel have refused to allow range from Plaintiffs’ past criminal history to their motives for filing the lawsuits—both of which go to the heart of the plaintiff’s credibility and are relevant and discoverable matters about which Mr. Watson is entitled to inquire.

For example, **during the deposition of Kyla Hayes, Plaintiffs' counsel instructed Ms. Hayes not to answer fifteen questions during a four-hour deposition.** Exh. E, Kyla Hayes deposition at 35:2-4, 35:8-10, 45:17-20, 79:10-12, 96:12-14, 96:17-19, 97:1, 105:3-5, 106:10-12, 106:22-23, 107:7-9, 107:16-20, 108:12-15, 138:19-22, 139:24-140:1, 145:4-6. Some of the questions Ms. Hayes was instructed not to answer include why she said "lol" in a text message to Mr. Watson and whether she was trained to massage Mr. Watson's glutes *Id.* at 34:25-35:1; 45:14-16. One of the questions Ms. Hayes was instructed by her counsel not to answer was in response to her opinion that professional massages are done at spas and not at a home:

Q. So, if someone does massages at their home, you would say that's not professional?

MS. BRANDFIELD-HARVEY: Objection, form. You don't have to answer that question. I instruct you not to answer.

Q. Are you going to follow your lawyer's advice and instructions?

A. Yes.

*Id.* at 145:2-9.

Similarly, during Tavi Turner's deposition, Plaintiffs' counsel refused to allow Ms. Turner to testify on topics such as how long she worked at a salon before she met Mr. Watson (Exh. I, Turner Deposition at 128:6-23. Plaintiffs' counsel also instructed Ms. Turner not to fully testify about her extensive criminal history. *Id.* at 46:17-88:25, 232:11-242:17. This includes lying to improperly receive unemployment benefits, felony robbery charges, and violating her felony probation. *Id.* at 50:21-23 (theft of unemployment benefits); 61:16-17 (felony robbery); 237: 5-9 (probation violation). This information is discoverable for a number of reasons, including impeachment of Ms. Turner's credibility. *See* Tex. R. Evid. 609.

Likewise, Plaintiffs' counsel instructed LaToya Johnson Hanks to not answer questions about her criminal history including lying to a police officer and theft. Exh. D, Hanks deposition at 279: 21-23(lying to police officer); 288:14-16 (theft).

Another relevant topic that Plaintiffs' counsel frequently refuses to allow Plaintiffs to discuss is the Plaintiffs' past mental anguish—the alleged harm for which every single Plaintiff seeks relief:

Q. You understand you are asserting a claim for mental anguish in this case?

A. Yes.

Q. Did you experience mental anguish as a result of your abusive relationship with [a man with whom the plaintiff testified she had an abusive relationship]?

MS. BRANDFIELD-HARVEY: I'm going to object and instruct her not to answer the question.

Q. Again, the question on the table is did you experience mental anguish as a result of your abusive relationship with [a man with whom the plaintiff testified she had an abusive relationship]. And your counsel has instructed you not to answer. Are you going to take her advice?

A. Yes.

Q. And you're refusing to answer the question?

A. Yes.

Exh. A, Lar'Kesia Christie deposition: 56:22-57:11.

There are numerous Plaintiffs who claim to have experienced past trauma and mental anguish unrelated to Mr. Watson—a material issue in evaluating Plaintiffs' current allegation of mental anguish. Plaintiffs' counsel refuses to allow Plaintiffs to testify about this relevant topic. *See e.g.*, Exh. H, Robinitta Miller Deposition at 100:3-101:9; Exh. B, Marchelle Davis deposition at 226:2.-228:25; Exh. A, Lar'kesia Christie deposition at 56:15-57:1.

**Texas law requires that Plaintiffs who are seeking claims for mental anguish to answer questions about their past mental anguish.** *See Westheimer v. Tennant*, 831 S.W.2d 880, 883 (Tex. App.—Houston [14th Dist.] 1992, no writ) (noting that plaintiff seeking damage for alleged mental anguish cannot suppress evidence relevant to plaintiff's mental and emotional condition); *see also Kentucky Fried Chicken National Management Company v. Tennant*, 782 S.W.2d 318, 321 (Tex. App.—Houston [1st Dist.] 1989, no writ) (highlighting that plaintiff's prior

mental health care is discoverable where they are relevant to a defense against plaintiff's claim for mental anguish).

A court may compel a party to respond to a question the party refused to answer at a deposition. TEX. R. CIV. P. 215.1(b)(2)(B), 199.6. When—as in this case—a witness refuses to answer a question at a deposition, the party asking the question, here Mr. Watson's counsel, may file a motion to compel along with a copy of the deposition and request a hearing. *Id.*; *see, e.g., Huie v. DeShazo*, 922 S.W.2d 920, 922 (Tex. 1996); *Koepp v. Utica Mut. Ins.*, 833 S.W.2d 514, 514 (Tex. 1992).

Pursuant to the Texas Rules, Mr. Watson respectfully requests protection from Plaintiffs' counsel's gamesmanship and, subsequently, will ask this Court to compel Plaintiffs to answer, under oath, relevant inquiries regarding Plaintiffs' allegations against Mr. Watson. Currently, Mr. Watson's counsel is attempting to resolve these issues with Plaintiffs' counsel before filing a motion to compel. But ultimately, whether by agreement—as happened with Plaintiff Christina Lee's refusal to answer—or otherwise, these depositions will need to be reconvened and these relevant and discoverable questions answered. In the meantime, these tactics have frustrated the DCO's timeline of completing the Plaintiffs depositions before Mr. Watson's.

**B. Delaying Mr. Watson's deposition will allow the remaining Plaintiffs' depositions to be completed and provide the tailored protection Mr. Watson requires to adequately prepare and present his defense.**

Not only is delaying Mr. Watson's deposition and extending certain pretrial deadlines necessary to maintain the sequence of discovery contemplated in the DCO, it is also a reasonable accommodation to preserve Mr. Watson's ability to adequately respond to the criminal investigation.

It is undisputed that Mr. Watson is under a criminal investigation based upon some of the Plaintiffs' claims.<sup>5</sup> The investigation has been going on for some time, and it is hoped that they will conclude before April 1, 2022.

Under this Court's obligation to preserve "the least restrictive way to protect both cases and the defendant's right to defend himself in this suit," *see In re R.R.*, 26 S.W.3d 574, and the factors for consideration under federal law, *see* pages 5 and 6, above, the brief delay sought by Mr. Watson strikes the proper balance.

\* \* \* \*

With only a brief delay, it appears extremely likely that the criminal risks of testifying in these cases will become much clearer. Both the truth-seeking function of this Court, and the need to balance the rights of Mr. Watson support balancing these consideration by allowing the brief extensions that Mr. Watson requests.

## V. PRAYER

For these reasons, Mr. Watson asks the Court to set this Motion for hearing and, after the hearing, enter an order of protection as to Deshaun Watson's already noticed deposition and grant Deshaun Watson's Motion to Quash, as follows:

1. Order that Mr. Watson's depositions will take place after April 1, 2022, at the office of his lawyers, rather than the Plaintiffs' lawyer;
2. The deadlines in the DCO for pleading and other amendments, expiration of the discovery period, alternative dispute resolution, challenges to expert testimony, dispositive motions, and the status conference relating to pretrial and trial setting shall be extended by 60 days;

---

<sup>5</sup> *See Plaintiff Latoya Johnson Hanks's Motion to Compel Defendant Deshaun Watson to Respond to Her Request[s] for Admissions*, filed February 10, 2022, at 2 (acknowledging the existence of ongoing criminal investigation); *see also* Exh. Z, Affidavit of Rusty Hardin.

3. Grant such other and further relief to which the Court determines Mr. Watson is entitled.

Respectfully submitted,

RUSTY HARDIN & ASSOCIATES, LLP

/s/ Rusty Hardin

Rusty Hardin

State Bar No. 08972800

Letitia D. Quinones (Of Counsel)

State Bar No. 24008433

Lara Hollingsworth

State Bar No.00796790

Leah Graham

State Bar No. 24073454

Rachel Lewis

State Bar No. 24120762

John G. MacVane

State Bar No. 24085444

1401 McKinney Street, Suite 2250

Houston, Texas 77010

Telephone: (713) 652-9000

Facsimile: (713) 652-9800

rhardin@rustyhardin.com

lquinones@rustyhardin.com

lhollingsworth@rustyhardin.com

lgraham@rustyhardin.com

rlewis@rustyhardin.com

*Attorneys for Defendant*

*Deshaun Watson*

**CERTIFICATE OF CONFERENCE**

I certify that I have conferred with counsel for the Plaintiffs on the relief sought in this motion by letter to Anthony Buzbee on February 6, 2022. Mr. Buzbee responded that Plaintiffs oppose this relief.

/s/ Rusty Hardin

Rusty Hardin



**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing instrument has been served upon the Plaintiffs by email on February 15, 2022, pursuant to Rule 21a.

    /s/ John MacVane      
John MacVane

### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Cathy Gibson on behalf of Rusty Hardin  
Bar No. 08972800  
cgibson@rustyhardin.com  
Envelope ID: 61783608  
Status as of 2/16/2022 8:49 AM CST

#### Case Contacts

Name
Peter Taaffe
Claribel Tamez
Leticia De La Cruz
Crystal Del Toro
Anthony G.Buzbee
Cornelia Brandfield-Harvey
Brittany Ifejika
Maria Holmes
Leah MGraham
John MacVane
Rachel Lewis
Letitia Quinones
Lara Hollingsworth
Rusty Hardin
Stella Jares
Sandra Dominguez
Joe Roden
Shannon Campbell
Linda Riley
Doug Murphy
Ryan Higgins
Vera Cardenas
Cathy Gibson
Daniel R.Dutko

### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Cathy Gibson on behalf of Rusty Hardin  
Bar No. 08972800  
cgibson@rustyhardin.com  
Envelope ID: 61783608  
Status as of 2/16/2022 8:49 AM CST

#### Case Contacts

Jason Willis		jwillis@txattorneys.com	2/15/2022 8:25:10 PM	ERROR
--------------	--	-------------------------	----------------------	-------