

not brought these cases for money or attention; instead Plaintiffs seek a change in behavior with regard to Watson, and a change of culture in the NFL.

II. FACTUAL BACKGROUND

Plaintiff is a licensed massage therapist who owns her own business in Houston, Texas. She markets herself through Instagram and obtains clients in that manner. Plaintiff has been in the business for several years. Plaintiff is a licensed professional and has never had any issues prior to experiencing Defendant's conduct.

Defendant Watson and Plaintiff first made contact on Instagram via direct message, wherein he expressed his interest in her services in October 2020. Plaintiff routinely provides massage therapy at people's homes, her office and hotels, as part of her occupation. 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. Plaintiff found it somewhat peculiar that a high-profile NFL player would seek services 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.¹ However, at the same time, Plaintiff, like many small businesspeople, had been actively trying to grow her business and expand her client base. Plaintiff thus was excited and encouraged that a professional football player would want to use her services. Plaintiff and Watson agreed to schedule a session, and the two began to discuss scheduling.

Watson and Plaintiff agreed to schedule the massage for October 19, 2020 at around 11:30 a.m. at Plaintiff's office. At first Watson got under the sheets, but then he asked if he could remove the sheets from his body so he could be naked. Plaintiff found this request to be strange. As Plaintiff started to massage Watson's back, Watson told her that he wanted her to focus on his lower back,

¹ Plaintiff now regrets not asking more questions about Watson. Plaintiff now realizes, too late, that there is no legitimate reason that Watson would need to seek massages out from Instagram.

glutes, and hamstrings instead. When Plaintiff got to Watson's glutes, Watson continued to ask that she "go deeper." Watson then asked Plaintiff to massage him in the inside of his legs near his penis. Plaintiff felt uncomfortable and decided to stay on the outside of Watson's legs in order to avoid the issue, but Watson kept asking Plaintiff to go inside of his legs. Plaintiff decided to use her elbows, but Watson insisted that she use her hands. Plaintiff declined and used her elbows.

Watson eventually turned over onto his back. At this point, Watson was completely naked with his penis fully exposed. Again, Watson told Plaintiff to work on the inside of his legs. Watson told Plaintiff to "go further" and to use her hands. Plaintiff told him no. Watson told Plaintiff that he would pay extra money and said, "Don't worry no one is going to know." Plaintiff said no. Watson then grabbed Plaintiff's hand and made her touch his penis. Plaintiff pulled back shocked, and told him no. The massage eventually ended, and Watson left. Plaintiff felt violated, disgusted, ashamed, and used.

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. 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, touching her with his penis 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.

Unofficial Copy Office of Marilyn Burgess District Clerk

Respectfully submitted,

THE BUZBEE LAW FIRM

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