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HARRIS COUNTY, TEXAS

JUDICIAL DISTRICT

JURY TRIAL DEMANDED

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was married at the time of the incident. Plaintiff has been in the business for a number of years. Plaintiff is a 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 January 2021. Plaintiff routinely provides massages at people's homes, hotels and offices around the city of Houston. 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. 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 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.

Prior to the massage, Watson kept insisting that the massage be "private" and kept asking Plaintiff if anyone else would be around during the massage. Plaintiff thought this was just normal behavior from a so-called celebrity who wanted to keep a low profile. Watson also asked for certain areas to be worked on like the "glute area" and "inner thighs," which seemed normal enough to Plaintiff as she had worked on other professional athletes in the past. Plaintiff also explained that she had certain tools that she used for the massage. Watson said no and stressed he wanted Plaintiff to use only her hands. Watson said he wanted a Swedish massage. Watson asked if draping was necessary or if he could just use a small towel. Plaintiff said that draping was absolutely necessary and that he would need to be covered the entire time.

Plaintiff and Watson ultimately decided on a location. A massage was scheduled to take place in Houston, Texas on January 21, 2021.

When the massage started, Watson was lying face down on his stomach. As Plaintiff massaged him, Watson asked if they could take the draping off since he gets “hot.” Plaintiff said they could move the draping off his legs and arms but that he would still need to be covered for the most part. Plaintiff started to massage Watson’s legs when Watson asked if that was “as high as [she] could go to massage [his] groin.” Plaintiff explained that when Watson flipped over onto his back that she could go higher in between his abdomen and thigh. When Watson flipped over, Plaintiff started to massage his abdomen. Watson once again asked if that is as high as Plaintiff could go into the groin. At that point, Plaintiff took a step back and made it clear to Watson that this massage was strictly professional and as long as nothing sexual was going on, she would continue with the massage. Watson said no problem and so Plaintiff continued with the massage. However, Watson then exposed himself to Plaintiff after a few minutes. Plaintiff was uncomfortable but tried to keep calm and quickly put the draping back on Watson as she thought maybe it was an innocent mistake. Watson then kept asking her to rub the front of his hip. Watson then wanted Plaintiff to massage his inner thigh, come up to his pelvis, go across his lower abdomen and then go down the other side. Plaintiff grew more and more uncomfortable and started to freak out. Watson exposed his penis again and Plaintiff again pulled the sheet onto Watson to cover him. Watson pulled the sheet off himself once again, had an erection, exposed himself again and caused his penis to touch Plaintiff’s hand. Watson said “oh that felt good. Can you do that again?” Plaintiff declined. Watson then stared at Plaintiff and said coyly, “I do not want to make you do anything you do not want to do.” Plaintiff quickly ended the massage and said time was up. Watson left. Plaintiff felt violated and disgusted.

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 cannot think about the incident without crying and shaking. 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. The incident has also caused a strain on her marriage.

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 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 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 kissing her against her will, trying to coerce her to work on his penis and buttocks, 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 made a good faith effort to resolve this matter prior to the filing of this lawsuit. 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. PRAAYER

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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