

*Defendant.*

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JUDICIAL DISTRICT

**JURY TRIAL DEMANDED**

**PLAINTIFF'S ORIGINAL PETITION**

## I. SUMMARY OF LAWSUIT

Defendant Deshaun Watson is a National Football League (“NFL”) player who currently plays quarterback for the Houston Texans. Plaintiff offers bodywork and stretch therapy services. Watson asked for massages from Plaintiff in June and August 2020. During the massage sessions, Watson assaulted and harassed Plaintiff by grabbing Plaintiff’s buttocks and vagina, touching her with his penis and trying to force her to perform oral sex on him. Watson’s behavior is part of a disturbing pattern. Plaintiff brings this case seeking the minimal compensatory damages that implicate this Honorable Court’s subject-matter jurisdiction, to prevent Watson from further like conduct.

## II. FACTUAL BACKGROUND

Plaintiff offers bodywork and stretch therapy services in Houston, Texas. She was taking classes with the hopes of becoming a licensed massage therapist one day. She markets her business

through Instagram and obtains clients in that manner. She also has a website for her business. Plaintiff has been in the business since 2020; she is a professional, and has never had any issues prior to experiencing Defendant's conduct.

Defendant Watson and Plaintiff first made contact in June 2020, Watson booked Plaintiff through a her manager at the time. Plaintiff routinely provides professional massages in the spa where she worked. Plaintiff had never had any type of contact with Defendant Watson prior to this meeting. Plaintiff had never worked with any athletes from the Texans organization. Plaintiff did not know who Watson was at the time.

Plaintiff's manager brought her to the Hotel where Watson was staying. This was the first time that Plaintiff had performed a massage away from the spa. When Plaintiff got to the hotel, she set up the table and told Watson to let her know when he was ready. She then stepped outside the room to wait for him to undress and wrap himself with a towel. A few seconds later, Watson indicated that he was ready. Plaintiff re-entered the room and Watson was laying face down on the table with the towel draped around his lower body. Plaintiff then asked Watson what type of massage he wanted, Watson stated that he wanted a Swedish massage. Plaintiff set the timer and began oiling his body for the massage. Plaintiff started massaging Watson's back, Watson quickly stopped her and told her that he did not need his back massaged. Watson asked for his quads to be massaged. She agreed and massaged the back of his quads for around ten minutes. Watson then asked if Plaintiff could massage his inner thighs, again she agreed. Soon after, Watson asked Plaintiff to go "deeper." Watson started moving his lower body in a circular motion and Plaintiff asked him to stop moving and lay still. Watson turned over and started staring at Plaintiff and complementing her body. Plaintiff ignored his advances.

Shortly after, Watson asked for his chest to be massaged and Plaintiff did so. To Plaintiff's shock, Watson groped her buttocks and vagina and then pushed her buttocks into his face. Plaintiff slapped Watson and asked him what he was doing, Watson stated "I thought you liked that." Plaintiff informed him that she did not like it and Watson apologized. Watson then told Plaintiff that he wanted her to remove the oil on his lower abdomen because he had to go to practice. Plaintiff brought out a towel to wipe the oil off, but Watson requested that she use her hands instead to wipe it off. As Plaintiff was wiping the oil off, Watson began using his penis to touch Plaintiff's hand. Plaintiff was mortified, so she used the towel to cover Watson's private area and continued wiping off the oil with her hands. Soon after, Plaintiff noticed a slimy substance on her hand, but she did not recognize it. Watson told Plaintiff that he had to leave and only paid Plaintiff \$100 instead of \$300. When Plaintiff asked her manager why she was not paid the full price, she was told that Watson said that Plaintiff had not given him what he wanted.

On August 17, 2020, Watson reached out to Plaintiff on Instagram via direct message, wherein he expressed his interest in another massage. At this point, Plaintiff did not realize that Watson was a returning client. 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 thus excited and encouraged that a professional football player would want to use her services. Plaintiff and Watson agreed to schedule a massage, and the two began to discuss scheduling.

Prior to the scheduled session, Watson asked Plaintiff to come dressed "chill" and "comfortable." The massage was then scheduled for the same day at 7:00 P.M. at Plaintiff's place

of work in Houston. Watson asked Plaintiff if there was anyone else at the spa and Plaintiff said that it was basically empty. Plaintiff did not think anything was out of the ordinary at that time.

When Watson arrived at the spa, Plaintiff realized it was the same man who had harassed her earlier that year. Plaintiff told Watson that his behavior the last time was inappropriate. Plaintiff recalls that Watson apologized and told her something to the effect that he had never been rejected by a woman before. Plaintiff informed Watson that she was a lesbian, so she was not interested in him and Watson agreed not to be inappropriate again.

Plaintiff proceeded to give Watson the massage. Watson told Plaintiff that he only wanted his lower body massaged, so Plaintiff started off massaging the back of Watson's quads. Watson insisted that he wanted Plaintiff to "go higher," closer to his butt cheeks. Plaintiff went higher, but Watson was still not satisfied, and insisted that Plaintiff come even higher. Plaintiff was confused and did not understand. Plaintiff assumed that Watson wanted his back massaged, so she proceeded to massage his back. Watson then grabbed Plaintiff's hands and placed them on his buttocks and moved them around in a circular motion. Watson asked Plaintiff to use more oil and he then put Plaintiff's hands inside his anus. Plaintiff was shocked and confused. Watson told Plaintiff "I can tell you are a lesbian because you are so good with your hands." Plaintiff became irritated and uncomfortable, but she did not want to get in trouble with her manager. Plaintiff told Watson to lay on his back, and that was when Watson became even more aggressive, and started commenting on Plaintiff's body. Watson then pulled Plaintiff towards him and told her "I want to cum," Plaintiff was confused and told Watson that she does not perform those kinds of services. Watson responded saying that he receives that kind of treatment at the spas that at where he usually gets his massages. Watson said the other therapists make him "cum." Watson continued harassing Plaintiff and asked

her to kiss him and suck on his chest. Watson asked if Plaintiff was really a lesbian, Plaintiff ignored his advances and told him to stop acting like a pervert.

At this point, Plaintiff was embarrassed and humiliated, but she did not want to lose her job. Plaintiff just wanted Watson to leave, but she was scared. She continued massaging his chest, Watson then exposed himself and told Plaintiff to massage his penis area. Plaintiff declined and covered his penis. Watson asked why Plaintiff did not want to touch his penis. He then asked her to perform oral sex on him and to pretend that he was a woman, since she had never been with a man before. Watson became even more aggressive and forced Plaintiff's mouth onto his penis. Watson told her "there is a first time for everything." Plaintiff was so scared and distraught, she was sweating and nervous. She was alone at the spa and feared scared for her life. Watson then proceeded to wrap his legs around Plaintiff's neck and told her to kiss him and to spit on his penis. Plaintiff declined and he released her head. Watson went even further and began masturbating in front of Plaintiff and he ejaculated shortly after. Plaintiff was humiliated and horrified.

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. Even though she was always professional with Watson, as she has been with every client, she at times blames herself. Plaintiff has suffered from panic attacks. She further suffers from depression and anxiety. Plaintiff also has difficulty sleeping. She is seeing a psychiatrist.

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, TX 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. SEXUAL ASSAULT**

Plaintiff re-alleges each aforementioned allegation as if fully incorporated below.

Mr. Watson committed sexual assault on Plaintiff. As a result of the assault, Plaintiff has suffered damages as described below. Plaintiff's personal injuries arise as a result of conduct that violates:

(1) Section 22.011(a)(1), Penal Code (sexual assault).

In addition to actual damages, Plaintiff seeks punitive damages, and such damages are not subject to capping.

## **B. 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:

- (2) Section 22.01(a)(3), Penal Code (assault);
- (3) Section 22.012, Penal Code (indecent assault); and
- (4) Section 42.07, Penal Code (harassment).

Thus, in addition to actual damages, Plaintiff seeks punitive damages, and such damages are not subject to capping.

## **C. 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 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 22.011(a)(1), Penal Code (sexual assault);
- (2) Section 22.01(a)(3), Penal Code (assault);
- (3) Section 22.012, Penal Code (indecent assault); and
- (4) 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. 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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