

CAUSE NO. _____

JANE DOE,

Plaintiff,

V.

DESHAUN WATSON

Defendant.

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

_____ JUDICIAL DISTRICT

JURY TRIAL DEMANDED

PLAINTIFF'S ORIGINAL PETITION

Plaintiff Jane Doe complains of Defendant Deshaun Watson, and for cause of action, would respectfully show this Court the following:

I. SUMMARY OF LAWSUIT

Defendant Deshaun Watson is a National Football League (“NFL”) player who currently plays quarterback for the Houston Texans. Plaintiff is a licensed massage therapist who offers various massage therapy services through her company. A mutual friend referred Watson to Plaintiff for a massage. During the sessions, Watson assaulted and harassed Plaintiff by exposing himself to her and purposely touching her with his penis. 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 is a licensed massage therapist who owns her own business in Houston, Texas. She is married and was married at the time of the incidents. 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. Plaintiff saw Watson for three massage sessions and during each session, Watson's behavior would get progressively worse.

A mutual friend referred Watson to Plaintiff for a massage sometime in 2020. Plaintiff was excited at the prospect of taking on a client as high profile as Watson as Plaintiff was trying to expand her client base and grow her business. Thus, Plaintiff readily accepted the request. Watson and Plaintiff began to discuss scheduling over text message.

The first massage occurred at Watson's house. Watson told Plaintiff that he did not want any draping. Plaintiff insisted on draping as that is customary during a massage session. Nevertheless, Watson proceeded to get completely naked. Plaintiff started to massage Watson's back, but Watson told her that he did not want her to massage his back. Plaintiff found this request to be odd but respected his request, nonetheless. Throughout the session, Watson kept wanting to flip over onto his back. When Watson did flip over onto his back, his penis was exposed. Despite Defendant's conduct, Plaintiff tried to continue with the massage to the best of her ability and tried to stay professional. Watson's penis touched Plaintiff's hand several times. At the end of the massage, Plaintiff felt a little uncomfortable but shrugged it off as just nerves and she also wanted to keep Watson as a client to grow her business. Thus, when Watson asked to schedule a second massage, Plaintiff agreed because she wanted to give him the benefit of the doubt.

During the second session, Watson again refused to drape or cover himself. He got completely naked. This time, he wanted to use a bath towel instead. However, Watson complained about having to use the bath towel. Watson asked Plaintiff to massage his lower abdomen and his groin area. He also asked Plaintiff to massage between his penis and testicles. Plaintiff refused. Plaintiff felt uncomfortable but at the same time she did not want to upset Watson and risk losing

a client. Thus, she decided to proceed with the massage as best as she could. Watson's penis continuously touched Plaintiff's hand throughout the massage as he moved his penis towards her hand.

Prior to the third session, Watson told Plaintiff to "come wearing something comfortable." Plaintiff found this request to be odd as she was a professional and a massage was a professional encounter. Plaintiff nevertheless shrugged it off. During the third session, Watson again got completely naked. He again refused to cover himself and this time Watson only wanted to wear a small washcloth. Watson continuously and purposely touched Plaintiff with his penis, by moving his body to make sure his penis touched her. By the end of the third session, Plaintiff finally concluded that Watson wanted sex. After the session, Plaintiff told Watson she was firing him as a client. Plaintiff told Watson that she was not going to do anything to jeopardize her marriage. Plaintiff felt violated, disgusted and used. Plaintiff was also terrified of what Watson would do to her career after she fired him.

Plaintiff told her husband about what happened with Watson, explaining that all Watson really wanted in the end was a happy ending and that it was disturbing and disgraceful. This incident traumatized Plaintiff so much that she does not know if she will work with high-profile athletes as clients ever again.

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 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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