

contractors called Zeel. Plaintiff has been in the business since 2018; she 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 solicited Plaintiff for a massage in December 2020. Plaintiff was newly engaged to her fiancée and had just graduated chiropractic school in Houston, Texas. Plaintiff would routinely provide professional massages in various locations as a licensed mobile massage therapist. 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 NFL player would seek a massage from her, because she is not yet a well-known massage therapist 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 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.

A massage was ultimately scheduled to take place at an office building in Houston, Texas on December 28, 2020 in the morning around 10:00 a.m.

Plaintiff arrived at the office first with her mother to get everything set up for the massage. As her mother left, she saw Watson walk into the building. Watson arrived to the room. Plaintiff left Watson in the room so he could get undressed. When Plaintiff came back into the room, Watson was laying on the massage table on his stomach with only a small towel covering his buttocks. Watson himself had brought his own small towel with him to the massage. Plaintiff was perplexed by this sight as she expected Watson to be fully covered by the draping as is customary for massages. At this point Plaintiff started getting uncomfortable but did not want to upset the

much taller and stronger Watson who is 6'2" and weighs over 200 pounds. She tried to keep it professional. She started on his lower back but Watson soon aggressively started dictating the massage and where he wanted Plaintiff to touch him on his body. Watson repeatedly stated that he wanted his glutes massaged and his "inner thighs" and "inner glutes" massaged. He then stated that he wanted his hamstrings massaged. He kept fixating on the "insertion of his hamstrings".

Plaintiff continued to massage him as best she could, based on his direction, but she was growing more and more uncomfortable. Still, she wanted to give Watson the benefit of the doubt. Watson made clear, repeatedly, that he was a professional football player, who could help, or hurt, her career. At one point, during her efforts, Watson asked Plaintiff to come to the front and she told him to get ready to flip onto his back. Watson flipped over onto his back. Plaintiff continued the massage. Watson then began to coerce her to massage his inner groin area. Plaintiff told him that she had a special tool she needed to use. Watson said he did not want a tool. He wanted her to use her hands. She offered to do vibration techniques but Watson said Plaintiff did not have to do that.

Watson then asked for his abdominals to be massaged as well. Plaintiff then started massaging his rib cage above his navel and was about to start on his abdominal belly, when Watson got more aggressive, forcefully telling her to move her hand down to his pubic area. At that point, Watson was in control. Watson instructed her to slide her hand across his genitals. Plaintiff started shaking at this point and Watson clearly knew she was afraid. Plaintiff felt intimidated and threatened. She was afraid of what someone like Watson could do if she did not submit to his demands. Watson kept coercing and intimidating Plaintiff and it was at this point that Watson coerced Plaintiff to move her mouth towards his penis, forcing Plaintiff to perform oral sex on him. Plaintiff did not consent to any of this conduct. Plaintiff blacked out for a few minutes from

the fear. Plaintiff was confused and terrified. Plaintiff wishes she would have been more courageous and would have ended the massage. But she felt helpless in the moment. Plaintiff was under Watson's control.

After he was finished, Watson got up, and offered no apology. Plaintiff was in shock. Watson got dressed and left, as if nothing happened. Plaintiff was left shaking, violated and ashamed. Plaintiff was so shaken that she defecated on herself and ran to the bathroom to clean herself up. Plaintiff was disgusted at what Watson had made her do, or what, through force, he had made her do. She still questions herself today, as to what she could have done to prevent his conduct.

After the massage, Plaintiff's mom came to pick Plaintiff up from the office.

The NFL is notorious in its own right 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 still completely blames herself for allowing a man to violate her this way. Plaintiff has suffered from panic attacks. She further suffers from depression and anxiety. Plaintiff also has difficulty sleeping. She is seeking counseling. Plaintiff cannot bring up Watson's name without sobbing and hyperventilating.

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 Oregon.

Defendant Deshaun Watson is an individual residing in Texas. Defendant may be served at his home address at _____ 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. 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:

- (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.

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.

Unofficial Copy Office of Mallyn Burgess District Clerk

Respectfully submitted,

THE BUZBEE LAW FIRM

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