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II. FACTUAL BACKGROUND

Plaintiff has been a licensed esthetician for approximately nine years. She works for a spa in Houston. Plaintiff had several encounters with Defendant Watson, the first on September 9, 2020. The last session was in October 2020. Plaintiff is a licensed professional and has never had any issues prior to experiencing Defendant's conduct.

Plaintiff's boss set up the first session with Watson. Her boss originally told Plaintiff that Watson had reached out asking for a photograph of Plaintiff. According to her boss, Watson stated that he wanted to give Plaintiff a massage. Plaintiff found this request to be odd and politely declined. Plaintiff's boss then told her that Watson wanted her phone number so he could book an appointment with her himself. Watson contacted Plaintiff asking for an appointment. Plaintiff and Watson ultimately scheduled an appointment to take place at the spa. Prior to his arrival, Watson kept texting Plaintiff incessantly, asking if anyone else was going to be at the spa. Watson also requested to use the back entrance of the spa. When Watson arrived and entered the room, Plaintiff told him she would step out of the room to give him privacy so he could get undressed, as is customary. Watson told her that he did not want her to leave the room. Plaintiff found this odd and said she needed to be out of the room because she did not want to see him naked. Watson again insisted she stay. Plaintiff was bewildered by his conduct, but did not think much of it at that point and decided to just turn around so she was not facing Watson while he disrobed. When Plaintiff turned back around, Watson was completely naked. Plaintiff expected Watson to cover himself. Nevertheless, Plaintiff wanted to stay professional and was worried about upsetting Watson and losing business for the spa. Watson did not want to use any of the draping on the table to cover himself. Watson wanted to be on the bed completely naked. Watson then laid down on his stomach. Watson instructed Plaintiff to focus on his thigh areas and buttocks. As Plaintiff began the session,

Watson immediately started to complain, saying Plaintiff was not working on him the way he wanted. Watson aggressively dictated the session. Plaintiff decided to just give Watson the benefit of the doubt and continued the session the best she could. Watson frightened Plaintiff. Watson then asked Plaintiff when he could flip over onto his back. When he flipped over, Watson had an erection and asked Plaintiff what she was going to do about his erection. Plaintiff told him that his behavior was inappropriate. At the same time, Plaintiff was scared and confused. She wanted Watson to leave, but at the same time she did not want to cause trouble. Plaintiff is a mother, and her spa job was her only source of income. Plaintiff also feared what someone like Watson could do to her career if she caused a scene or reported his behavior. She felt powerless and ashamed. The session ended without further incident.

In October 2020, Watson booked another appointment. This time he escalated his behavior. During the session, Watson tried to put his penis in Plaintiff's hand and asked Plaintiff if she would touch his penis. Plaintiff was in shock and did not know what to do. Watson moved his body in a way that caused Watson's penis to touch Plaintiff's hand. Watson insisted that Plaintiff focus on his groin area. Watson was upset that Plaintiff was fully clothed in scrubs for the session. Watson told Plaintiff she was wearing too many clothes. Watson also tried to kiss Plaintiff on the mouth. Watson was coercing her the entire time. Plaintiff decided to cut the session short, and Watson abruptly left. Plaintiff felt violated, terrified 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. 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 seeking counseling.

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 _____ 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 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 22.01(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. 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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