



Instagram and obtains clients in that manner. Plaintiff has been in the business for several years. Plaintiff is a certified, 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 expressed his interest in her services in May 2020. Plaintiff routinely provides body conditioning and stretching for fitness at people's homes, hotels and offices as part of her occupation. 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, 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 specifically asked Plaintiff if she was a massage therapist. Plaintiff said no she was a certified personal trainer and had all her certifications to that effect. Plaintiff explained that with her certification, after she trained a client she could help with therapy but that massages were not her specialty. Despite this explanation, Watson insisted that he wanted to book with her. Additionally, prior the massage, Watson told Plaintiff that he wanted to focus on his "groin" area, his "glutes" and his "lower abdominals" during the session. Plaintiff found this request to be not out of the norm. A massage was scheduled to take place at Watson's house on May 28, 2020. Watson sent a message to Plaintiff saying that she could come to the session dressed

in “casually relaxing attire” and told Plaintiff “you don’t have to be full professional.” Plaintiff thought nothing of these comments at the time, and in hindsight should have known something was amiss.

When Plaintiff arrived to Watson’s house, Watson led her into a theater room. Watson left the room to get undressed and to allow Plaintiff time to get set up. When Watson came back into the room, he was wearing only a towel covering his lower extremities. Watson laid face down onto the massage table. Right away, Watson kept saying that he could turn over whenever Plaintiff was ready. Plaintiff found this strange because the massage had only just started and usually a client turns over more than halfway through the session and not at the beginning. Plaintiff said she would let Watson know when she was ready for him to turn over. Plaintiff continued to stretch out Watson’s muscles and focused on areas that usually would bother someone when he/she works out. When Watson eventually flipped over onto his back, the towel fell off Watson’s body and hit the floor. Watson was completely naked and exposed his penis to Plaintiff. Watson also moved his penis onto Plaintiff’s hand. Watson had pre-ejaculation leaking out of his penis, which got onto Plaintiff’s hand. Plaintiff felt like she wanted to vomit. Watson said, “I hope you do not mind if we continue the massage like this.” At that point, Plaintiff froze. At the same time, Plaintiff was also confused. Plaintiff started stuttering and saying “I do not know. I do not know.” Plaintiff decided to end the massage and told Watson it was time to go. Watson got off the massage table, still completely naked, and asked Plaintiff if he could give her a hug. Plaintiff told Watson that she did not think that would be appropriate. Watson responded, “Oh c’mon I saw your Instagram. I know what you’re working with.” Plaintiff again told him it was time for her to go. Watson said “Aww okay. Well, if we had time, would we do what we do?” Plaintiff found this comment to be

very strange and had no idea what he was talking about. Plaintiff was taken aback and immediately left.

When Plaintiff got home that day, Plaintiff immediately called her mom and her best friend to tell them what happened and said she was traumatized. Plaintiff felt violated and disgusted and felt as though she was trapped in some weird nightmare. Plaintiff also received a text message from Watson that same day asking her if she was okay. Plaintiff did not respond. For weeks afterwards, Watson repeatedly contacted Plaintiff asking if he could book her again. Plaintiff either ignored the requests or said she was too busy.

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.

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 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. 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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