

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 massage therapist¹ who offers various massage therapy services through her company. Watson initially contacted Plaintiff in July 2020 on SnapChat, via direct message. Watson and Plaintiff had four sessions in total: from July – September 2020. With each session, Watson’s behavior became progressively worse. After each session, Watson would aggressively and obsessively message Plaintiff to book the next massage. During the massage sessions, Watson assaulted and harassed Plaintiff starting with purposely exposing himself to her and touching her with his penis, to ultimately groping her, coercing her to perform oral sex on him, and ejaculating on her. Plaintiff initially blamed herself for Watson’s conduct, and for her failure to stop him. She is ashamed and confused, and now, with more cases

¹ Plaintiff’s massage therapy license is currently pending. She has completed all the required coursework.

coming to light, feels empowered to come forward. 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.

As a result of the repeated lawsuits against him, Watson has "unsent" Instagram messages, and has contacted women, through intermediaries, who previously provided him massages. Plaintiffs have not brought these cases for money or attention; instead, Plaintiffs seek a change in behavior with regard to Watson, and a change of culture in the NFL.

II. FACTUAL BACKGROUND

Plaintiff was a massage therapist who offered massage therapy services in Houston, Texas. She marketed herself through social media and obtained clients in that manner. Plaintiff is a single mom. Plaintiff was in a committed relationship at the time of some sessions. Plaintiff is a professional and has never had any issues prior to experiencing Defendant's conduct.

Defendant Watson and Plaintiff first made contact on SnapChat in July 2020, via direct message, wherein he expressed his interest in her services. Watson told Plaintiff that his usual massage therapist from the Texans was on hiatus due to COVID-19. Watson provided his phone number to Plaintiff on SnapChat. Plaintiff routinely provided massage therapy at people's homes, hotels, and her office. Plaintiff had never had 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 was not yet a well-known professional and it was her belief that a player like Watson likely had access to an entire team of sports trainers, massage therapists, and other professionals.² Plaintiff informed Watson that she did not yet have her massage therapy license. However, at the same time, Plaintiff,

² Plaintiff now regrets not asking more questions about Watson. Plaintiff now realizes, too late, that there is no legitimate reason that Watson would need to seek massages out from SnapChat.

like many small businesspeople, had been actively trying to grow her business and expand her client base. Plaintiff thus was flattered, excited and encouraged that a professional football player would want to use her services.

Watson and Plaintiff agreed to schedule the first session in July 2020 at The Houstonian, at Watson's suggestion. Watson informed Plaintiff that he had a private suite at The Houstonian where the massage could take place. During the first session, Watson got completely naked, and refused to cover himself, even at Plaintiff's requests. During this session, Watson exposed his penis to Plaintiff several times. Watson also repeatedly demanded that Plaintiff massage the area immediately around his anus. Plaintiff refused. Plaintiff felt uncomfortable and confused during the session. On the one hand, she felt the behavior was bizarre, but on the other hand because he had not touched her, and allowed her to refuse some of his more bizarre requests, she concluded that Watson was accustomed to getting what he wanted, and perhaps she was being a bit too sensitive. After the first session, Watson sent a message to Plaintiff, asking if she was okay. Plaintiff replied that it was just nerves. They agreed to schedule a second session.

Prior to the second session, Watson told Plaintiff that she should come wearing only a sports bra and short shorts. Plaintiff refused, deciding to come instead professionally clothed. During the second session at The Houstonian, Watson again got completely naked in front of Plaintiff, and laid down on the massage table completely naked. Watson again refused to cover himself. She moved forward with the session. When Plaintiff started to massage Watson's legs, Watson became intense and aggressively dictated the massage from that point forward. Watson told Plaintiff to "come up" and made such statements such as telling her to "get in there." At one point, Watson demanded that Plaintiff massage his groin area. He also directed Plaintiff to the area immediately adjacent to his anus. When Watson eventually flipped over onto his back, he exposed

himself to Plaintiff and touched Plaintiff's hand with his penis. Plaintiff grew more and more uncomfortable by the end of the massage but again she thought it was just nerves on her part. She wanted to give Watson the benefit of the doubt and did not want to risk Watson giving her a bad review.

A third session was scheduled. During the third session, Watson said he had just come from football practice. Plaintiff told Watson that he could go change in the restroom. However, Watson decided to undress in front of her once again, getting completely naked and exposing his penis to her. Watson again got on the table completely naked. Before the session, Watson said he wanted Plaintiff to work on his "glutes" and "groin" area. Plaintiff decided to start massaging Watson's lower body and legs. Watson told Plaintiff that he did not want his upper body massaged because he injured his shoulder. Watson again kept trying to get her to massage the area around his anus. Watson told Plaintiff that she could "go higher" and told her to get in between his buttocks. In an attempt to escape the behavior and stay professional, Plaintiff moved to a different part of Watson's body because she was not comfortable with his requests. However, Watson was aggressive and kept redirecting her to his anus area. He kept encouraging her and saying, "it is okay," "it is okay." Watson attempted to stroke Plaintiff's butt and rub her leg. Watson was aware that Plaintiff was a single mom and was financially struggling. Watson used such information to his advantage in an effort to manipulate her.

After Plaintiff finished massaging Watson's lower body, Watson flipped over onto his back, with his penis completely exposed. Plaintiff began to massage Watson's legs and began to massage near his groin area. Watson purposely touched Plaintiff's hand with his penis. At this point, Watson got an erection and demanded that Plaintiff massage his penis and his testicles. At this point, Plaintiff had had enough. She was terrified and confused; she wanted to leave, but did

not want to upset Watson. She felt intimidated. Watson moved his penis onto Plaintiff's hand. Watson then ejaculated in front of Plaintiff, getting semen all over Plaintiff's hand and arms. Plaintiff felt like she wanted to vomit. Watson got dressed, cleaned himself up and left, offering no apology or explanation. Plaintiff felt humiliated, scared, and felt responsible. Even at this point, she still did not want Watson to hurt her fledgling career.

After the third session, Watson inundated Plaintiff with messages requesting another session. Plaintiff was afraid of what Watson would do to her career if she did not submit to his requests. She felt forced and trapped as Watson had a lot of clout and power as an NFL player. Watson was in control. Plaintiff reluctantly agreed to a fourth session.

At the start of the fourth session, Plaintiff began to massage Watson's legs. Watson at this point was done with any formalities. He grabbed Plaintiff's hand and placed it on his penis, instructing her how he wanted her to rub his penis. Plaintiff pulled back in complete shock. Plaintiff did not know what to do; she wanted to run, she felt trapped. Watson also told Plaintiff to glide her hand over his genitals. Plaintiff realized that Watson was coercing her to give him oral sex. Plaintiff felt coerced and manipulated by Watson. She was terrified of him and threatened by him. The massage eventually ended, after coerced oral sex. Watson got dressed and left, leaving Plaintiff shaken and disturbed. Plaintiff felt violated and ashamed.

Watson continued to request additional massage sessions from Plaintiff via direct message. The last message Watson sent was in December 2020. Plaintiff declined, telling him she was taking a break from the massage profession.

Plaintiff who had withheld such information from him, finally informed her ex-boyfriend about the incidents with Watson because she was traumatized by Watson's conduct.

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 decided to move out of Texas as a result of Watson's conduct to escape the trauma. Plaintiff has difficulty sleeping and suffers from anxiety and depression. Plaintiff feels ashamed and at times blames herself. Plaintiff feels she needs counseling after these incidents.

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 Kansas.

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 trying to coerce her to work on his penis and perform oral sex, groping her, ejaculating on her, 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.

Respectfully submitted,

THE BUZBEE LAW FIRM

By: /s/ Anthony G. Buzbee

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