

damages from the assault and the resulting emotional distress. In this case Jane Does seeks compensatory and punitive damages in excess of one million dollars.

II. PARTIES

Plaintiff Jane Doe is an individual residing in Harris County, Texas.

Defendant Deshaun Watson is an individual residing in Texas. Defendant may be served at his home address at 2779 Som Center Road, Chagrin Falls, Ohio 44022-6652, or wherever he may be found.

III. VENUE AND JURISDICTION

Venue and jurisdiction are proper. The relief requested is within the jurisdictional limits of this Court. Pursuant to the Texas Civil Practice and Remedies Code, venue is proper in Harris County, Texas. The acts, events, transactions and omissions made the basis of this lawsuit occurred in whole or in part in Harris County, Texas.

IV. FACTUAL BACKGROUND

Jane Doe is a single mother and young professional. Watson first made contact with Jane Doe in July of 2020 at Prospect Park Restaurant and Bar in Houston, Texas.

Watson attended the bar with a group of friends. One of the members of Watson's group gestured for Jane Doe to approach. Doe did so. The man introduced himself as "Earl" and told Jane Doe that Watson wanted her phone number. Jane Doe was flattered and thus obliged. Jane Doe and Watson then texted intermittently for several months. Nothing came of those text exchanges.

In October of that same year, Watson asked Jane Doe to meet at the Houston Galleria. Jane Doe, hesitant to be seen with Watson publicly, declined. Rather than meet in public as he had

requested, Jane Doe invited Watson to her apartment for dinner. Jane Doe knew nothing of Watson's proclivities.

Watson arrived at Jane Doe's apartment complex on October 10, 2020. Apparently Watson was initially unable to find Doe's specific apartment because he called Doe on her cellphone, aggressively yelling and screaming and stating that he could not find her apartment and that he "doesn't have time for this."

At some point Watson found Doe's apartment. When Watson finally arrived at Doe's apartment, Doe had not finished putting on makeup, so she invited Watson in to have a seat in her living room while she finished getting ready. As she was putting on makeup in her bathroom, Doe left the bathroom door open and attempted a conversation with Watson, trying to ease the tension from his angry outburst. Jane Doe quickly began to believe she was talking to herself because Watson wasn't responding.

Jane Doe came out of her bathroom to investigate Watson's silence and shockingly found him completely naked on her bed, lying face-down on his stomach. While Jane Doe stood there in shock, Watson turned his head and aggressively insisted that she massage him, gesturing to his buttocks. Jane Doe asked if Watson meant he wanted her to massage his back, but Watson indicated that it was his buttocks he wanted massaged.

Jane Doe was at this point in the encounter terrified. She was in her small apartment with a much larger man, and she was still reeling from Watson's outburst and aggression on the phone. Doe thus tried to appease Watson by rubbing his back, rather than his buttocks. Watson began insisting, again, that she focus on his glutes. Seemingly frustrated that Doe would only rub his back, Watson then turned over, revealing an erection. Watson continued to demand that Jane Doe massage him, gesturing from his knees to his groin. Jane Doe froze in fear, unsure of how to refuse

Watson's advances without jeopardizing her safety. Confused and scared, she reiterated to Watson that she wasn't a masseuse. Watson asked her what she wanted to do instead.

Before Jane Doe could answer, Watson grabbed Jane Doe's leg and positioned her so that she was lying down. Watson then partially disrobed Jane Doe and penetrated her vagina without consent, implicit or explicit. Jane Doe felt paralyzed, unsure if she should risk her safety by trying to stop Watson or endure his assault. Watson roughly sexually assaulted Jane Doe for several minutes in a "missionary position" before grabbing her and flipping her over. Watson continued to assault Doe aggressively from behind. Jane Doe finally gathered the courage and strength to escape Watson. Jane Doe quickly ran to her dresser to grab a heavy piece of décor for self-defense, and yelled at Watson get out of her apartment. Enraged, Watson stormed out of Jane Doe's apartment.

Plaintiff Jane Doe was in shock from the encounter. She knew who Watson was. She knew he was a local celebrity. Because he was the Quarterback of Houston's football team, she worried that if she reported the incident that she would be subjected to humiliation and personal attacks. Later she watched as other women came forward, she was encouraged and was ready to come forward as well. But, she saw how those women who had suffered through the same conduct with Watson and who came forward were treated by Watson's defense team and the public; this was discouraging to Jane Doe. And, worse, criminal authorities refused to hold Watson accountable for his reprehensible conduct. Jane Doe waited; when she finally garnered the courage to come forward, she first attempted to resolve these issues with Watson without the filing of a public lawsuit. Those efforts failed.

Plaintiff has suffered severe mental anguish as a result of this incident. Jane Doe suffers from panic attacks, and experiences nervous breakdowns and difficulty sleeping. Jane Doe suffers

from depression and anxiety as a result of Watson's actions, and she will need therapy and counseling as a result of this incident.

V. DISCOVERY PLAN

Plaintiff intends to conduct discovery under Level 2 of the Texas Rules of Civil Procedure.

VI. CAUSES OF ACTION

A. SEXUAL ASSAULT AND BATTERY

Plaintiff re-alleges each aforementioned allegation as if fully incorporated below.

Watson intentionally or knowingly caused physical contact with Plaintiff when Watson knew, or should have known, that Plaintiff would regard such contact as offensive. As a proximate result of the assault, Plaintiff has suffered damages as described herein.

Watson's conduct violates the following Sections of the Texas Penal Code:

- a. Section 21.08(a), Penal Code (indecent exposure);
- b. Section 22.01(a)(3), Penal Code (assault); and
- c. Section 22.012, Penal Code (indecent assault).

Because Plaintiff's harm arises as a result of conduct that violates the Texas Penal Code, Plaintiff seeks exemplary 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 Jane Doe 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.

Watson engaged in this conduct intentionally, knowingly, and willfully.

Watson's conduct proximately caused injury to Jane Doe. As a direct and proximate result of this conduct, 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 Defendant in an amount to be determined at trial.

In addition to actual damages, Plaintiff seeks punitive damages.

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. Plaintiff also seeks exemplary damages in an amount within the jurisdictional limits of the Court.

VIII. PUNITIVE DAMAGES

Plaintiff also seeks punitive damages against Defendant.

Any caps on punitive damages, under state or federal law, should not be applied because Watson's conduct disqualifies Watson from the benefit of any caps on exemplary damages. Specifically, Plaintiff seeks recovery of exemplary damages based on conduct described as a felony in the following sections of the Penal Code:

(1) Section 22.011(a)(1), Penal Code (sexual assault).

Section 41.008 of the Texas Civil Practice & Remedies Code. Further, Plaintiff's personal injuries arise as a result of conduct that violates these sections of the Penal Code.

IX. 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 in response to Plaintiff's forthcoming written discovery requests.

X. 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 tenders the appropriate fee.

XI. PRESERVATION OF EVIDENCE

Plaintiff hereby requests and demands that Defendant 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.

X. PRAYER

By reason of all the above and foregoing, Plaintiff is entitled to recover from Defendant the damages set forth in this petition, jointly and severally, within the jurisdictional limits of this Court. Plaintiff seeks damages over \$1,000,000. 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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