

been in business since 2018; she is licensed and professional, and has never had any issues prior to experiencing Defendant's conduct.

Defendant Watson first made contact with Plaintiff on Instagram via direct message, wherein he inquired about wanting a massage on March 28, 2020. Plaintiff routinely provides professional massages in her home. 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 request 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 local professional football player would seek her services. Plaintiff agreed to Watson's request for a massage, and the two began to discuss scheduling.

Prior to the scheduled session, Watson described what he was looking for. He told Plaintiff that he wanted a massage for relaxation and that he was not seeking the typical sports massage. Plaintiff indicated she understood Watson's request. Plaintiff, as per her marketing, typically specializes in sports massages, rather than massages for relaxation. She told Watson that. Even so, Watson insisted he wanted a massage primarily for relaxation, and Plaintiff agreed. Watson and Plaintiff continued to exchange messages on Instagram in order to arrange scheduling of the massage. Watson then asked for Plaintiff's phone number. Via text, Watson asked Plaintiff if she was "comfortable with certain areas [his] organization is making [him] get worked on."

A massage was ultimately scheduled to take place at Plaintiff's house on March 30, 2020. Watson specifically asked Plaintiff if she was going to be alone at the house when he arrived,

which gave Plaintiff some pause. Specifically, Watson said “Am I expecting to see someone else there. Is it just you.” Nevertheless, at first perplexed by the text, after some thought, Plaintiff concluded that Watson likely wanted privacy and did not want to be bothered by those impressed by his stature.

Before the massage started, Plaintiff left Watson alone in the massage room for a few minutes. When Plaintiff came back into the room, Watson was lying face-down on the massage table completely naked with only a small towel covering his groin area.¹ Watson brought the small towel himself. When Plaintiff entered the room, Watson then began to aggressively dictate how he wanted the massage to be performed. Watson emphasized to Plaintiff that she not use her knuckles or elbows during the massage. Instead, Watson told Plaintiff she was only to use her hands. And, Watson repeatedly stated that he wanted her focus to be on his groin area.

About twenty-five minutes into the massage, and despite attempting to be appreciative and accommodating to his conduct, due to Watson’s comments and behavior, Plaintiff began to feel extremely uncomfortable. It became apparent that Watson wanted a massage for only one reason—sex. Scared, a bit confused, and not wanting to upset the much bigger and athletic Watson, Plaintiff did not know what to do. She did not want to confront Watson, because she feared for her safety or possible retaliation or injury to her fledgling business. At the same time, she wanted the massage to be over, and wanted him out of her home.

As she was trying to figure out how to extricate herself from the situation, Watson continued to aggressively attempt to steer the conversation to how Plaintiff was not rubbing him the way he wanted. Several times he specifically kept trying to direct her to his penis. At one point,

¹ Plaintiff was surprised, and now knows she should have ended the session immediately. Plaintiff just assumed Watson was accustomed to acting in this way.

he purposely exposed the tip of his penis from under the towel. Plaintiff feeling extremely uncomfortable, quickly readjusted the small towel to cover Watson. Attempting to get the massage session completed without further incident, Plaintiff requested that Watson reposition his penis to the right side to avoid any contact or further exposure as she worked on his left side. Watson was at this point fully erect, and moved his body so he could expose himself more. Continuing to move his hips, Watson grabbed his penis, pulled it from under the small towel and placed it on Plaintiff's hand. Watson ignored Plaintiff's instruction to adjust his penis away from where she was working, and instead purposely touched Plaintiff's hand with the tip of his erect penis. Plaintiff was shocked and mortified. Plaintiff abruptly ended the massage, and asked Watson to leave her house. By now, Plaintiff was scared and started crying. She only wanted Watson to leave. In response to her asking him to leave and to her crying, Watson stated:

“I know you have a career and a reputation, and I know you would hate for someone to mess with yours, just like I don't want anyone messing with mine.”

Plaintiff considered Watson's statement to be a threat. Watson fortunately left her home without further incident.

Later, Watson reached out to Plaintiff via text message to apologize for the incident. Plaintiff did not respond to this apology. A few weeks later, Plaintiff received direct messages on Instagram from two other NFL players, saying that they had been recommended to her by “Big D” and that they would like to use her for a massage. Plaintiff figured that “Big D” referred to Watson. These messages disturbed Plaintiff. It was clear to Plaintiff that Watson failed to understand how his behavior affected her.

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 at times blames herself.² 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 seeking compensatory damages at 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 Ashley Solis is an individual residing in Texas.

Defendant Deshaun Watson is an individual residing in Texas. Defendant has been served via his counsel of record and has filed an answer.

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

² Plaintiff agonized over bringing this case, understanding that there will be those who blame her for Watson's inappropriate and actionable conduct. Plaintiff, like many women, is frustrated by the culture surrounding behavior like that of Watson. What many times in some circles is deemed "no big deal" is a big deal indeed. Plaintiff also has seen too many times behavior like described herein "swept under the rug," especially when it involves sports figures, politicians, or public figures. Bad behavior leads to worse behavior. Watson should not be allowed to act in such a way going forward.

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.

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.

C. NEGLIGENCE AND GROSS NEGLIGENCE

Plaintiff hereby incorporates by reference the paragraphs above as if fully set forth herein.

Plaintiff firmly believes and has pled that Defendant's conduct as described was intentional. Defendant denies he acted intentionally. Thus, in the alternative, Plaintiff alleges that Watson's conduct was unreasonable and thus negligent and grossly negligent. Defendant Watson owed Plaintiff the duty of reasonable care. Defendant breached that duty in at least the following ways:

- a. Scheduling a massage to be alone with Plaintiff knowing of his own sexual proclivities;
- b. Failing to take precautions prior to the massage to prevent a reoccurrence of his known prior conduct towards massage therapists;
- c. Failing to warn Plaintiff of his proclivities and his past conduct;
- d. Exposing himself to the Plaintiff;
- e. Touching Plaintiff with his penis;
- f. Failing to obtain Plaintiff's actual consent before attempting to engage in sexual conduct;

- g. Engaging in sexual conduct even though Plaintiff did not consent; and
- h. Failing to take affirmative steps during the massage to control his unusual sexual proclivities.

Defendant Watson's negligence was a proximate and producing cause of damage to Plaintiff.

Defendant's conduct was malicious and grossly negligent. Thus, 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; and
- e. 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. As required by Rule 47, Plaintiff seeks damages consistent with Tex. R. Civ. Proc. 47(c)(3), because that, as set forth above, Plaintiff also seeks punitive damages. 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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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been duly served on all known counsel of record pursuant to the Texas Rules of Civil Procedure on June 16, 2022.

/s/ Cornelia Brandfield-Harvey
Cornelia Brandfield-Harvey

Automated Certificate of eService

This automated certificate of service was created by the e filing system. The filer served this document via email generated by the e filing system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

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