

CAUSE NO. _____

KATY WILLIAMS,

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 Katy Williams complains of Defendant Deshaun Watson, and for cause of action, would respectfully show this Court the following:

I. FACTUAL BACKGROUND

Plaintiff comes forward now after reading Deshaun Watson proclaims that he has no regrets and that he has done nothing wrong. He may in fact have no regrets, but he has certainly done wrong, as set forth below.

Unbeknownst to the Plaintiff and many other female massage therapists he has assaulted or exposed himself to, Defendant Deshaun Watson has a disturbing pattern of conduct. Each of the cases against him is strikingly similar, evidencing a habit or custom: Watson seeks out random strangers on Instagram, as he has done more than a hundred times. The interaction typically begins with a direct message from Watson. He asks only if they will perform a massage; he doesn't ask about references, licensure, training, skill set, or competence level. In some cases, message is not even the woman's specialty, and after being told that, Watson still insists on a massage. Watson now admits he is not concerned with the licensure or skill level of the women he contacts. The truth is, Watson is not actually seeking a massage—he wants something more. Watson arranges the massage session by direct message or text, brings his own small towel or insists that only a

small towel be used, and in some cases brings a nondisclosure agreement. Each of the random women Watson contacts are usually flattered—they believe that working with a famous athlete like Watson will help their fledgling careers. Little do they know that Watson is receiving massages from, and contacting, a multitude of different women weekly saying and doing the same thing; some days Watson receives more than one massage a day from different strangers. Most times there is no repeat session, as Watson moves on to the next woman (he admits that he has never contacted a man for a massage).

In some instances, Watson leaves the Texans training facility to drive more than forty-five minutes one way for the massage session. He insists under oath that he has never disclosed these private massage sessions to the Texans, the training staff, or coaches because it is his personal business, and he does not have to do so. Prior to every massage session Watson demands that no one else be present. In most cases, prior to the massage session, he speaks over the phone with the therapist to explain that he only wants his groin and “glute” area massaged—he gives varying reasons for this required “focus.” In the case of every woman that has sued him, the massage session starts the same, and the conduct progresses to the extreme. Watson first repeatedly insists that minimal draping be used, that the therapist focus on his groin or rear, becomes suggestive then aggressive, and attempts to move from a massage to something sexual. The conduct almost always involves exposing himself, attempting to get the therapist to touch his anus or penis, attempting to make contact with his penis, and in some cases, ejaculation. In every case Watson tries to move what the woman thinks is a legitimate massage session to what Watson really wants—a sexual encounter. Once he is done with a particular woman, Watson deletes his messages with her and moves on to the next one. The woman is left feeling disgusted and blames herself for his conduct—not knowing about Watson’s dirty secrets and reoccurring habit.

Deshaun Watson's attorney has called every woman suing Watson a liar.¹ Watson's lawyer claims that "happy endings" are common in massage therapy and, short of paying extra for it, such conduct is not a crime. Watson's lawyer goes on to say that making a massage therapist "uncomfortable" due to the type of conduct described herein is not a crime. The public comments made by Watson's defense team evidence a belief system that explains Watson's conduct: when Watson contacts a random massage therapist on Instagram for a massage, unbeknownst to the therapist, Watson is wanting more than a massage—his "thing" is using his celebrity to make a massage session into something more. The women do not learn about Watson's proclivities until it is too late. What Plaintiff alleges herein is disgusting and abhorrent conduct, a habit and custom of conduct, that is actionable under the laws of the State of Texas. Despite Watson's legal team's efforts to normalize such conduct, such conduct is not normal, and is legally actionable.

Plaintiff is a massage therapist who owned and operated her own massage therapy business in Houston, Texas.² She had just graduated massage therapy school when Watson contacted her. Her business was small. She did not yet have a lot of clients. Plaintiff was excited and encouraged that a local professional football player would seek her services. Plaintiff agreed to Watson's request for a massage.

Prior to the first scheduled session, Watson and Plaintiff spoke on the phone. He told her that he "really wanted to support black owned businesses" and told Plaintiff "I want you to be comfortable. You do not have to wear your scrubs." In that call, Watson insisted that the massage

¹ Watson's defense continues to evolve as the case against him mounts. Watson's attorney called all the women suing liars before he even knew their identities. He also claimed that the reason Watson was contacting so many random strangers for massages was due to "Covid." He now admits there were sexual relations with at least three Plaintiffs, but contends that such contact was "consensual." His position now is that the women themselves initiated the sexual contact but only after the massage session was over—the women of course make quite clear there was nothing consensual about what Watson did, or tried to do, to them.

² The incident with Deshaun Watson caused Plaintiff to quit massage therapy altogether. She has now transformed her business into strictly selling beauty products.

be scheduled for that same night. Plaintiff found that to be a bit odd but thought that maybe he was hurting and needed a massage right away as a reason for the urgency. Even so, Plaintiff decided that the massage take place the day after next in the afternoon on August 5, 2020, as that made her more comfortable.

On August 5, 2020, Watson arrived at Plaintiff's apartment for the massage in a Rolls Royce. The first massage (there were two) was professional. Watson laid face down on the massage table. He asked for his inner thighs to be massaged. He asked her if she had a towel to use because he did not want to use the typical sheet draping that Plaintiff already had in place. At some point during the massage, Watson had to leave abruptly after taking a phone call. As he left, he told her "just keep this between us." She had quoted Watson \$55 for the session; he paid her \$100 via Cash App.

Watson reached out to Plaintiff a few days later to schedule a second massage. Plaintiff agreed. The second massage session took place on August 9, 2020 at Plaintiff's apartment, at around 3:00 pm or 4:00 pm in the afternoon. At the beginning of the session, Watson did not want to use the draping that is typically used in a massage. Instead, he requested a small towel. Watson also insisted on starting the massage with him lying face up. Watson reminded Plaintiff he only wanted her to focus on his upper body and abdomen. He then demanded that she work on his inner thighs and quadriceps. During the massage, Watson's tone became aggressive as he repeatedly demanded that she go higher and higher into his inner thighs, causing her hand to touch his scrotum. As the massage continued, Watson made piercing eye contact with Plaintiff. At this point, Plaintiff became very uncomfortable with the situation. She was also scared, because Watson was in her apartment, and he was much bigger and stronger than the Plaintiff. She also did not want to upset Watson for fear of retaliation against her small business. As Plaintiff attempted to focus on

getting the massage completed, at some point, Watson got an erection, causing the towel to fall off. By this point, Watson, was now completely naked and exposed. Watson then started to masturbate. Plaintiff immediately stopped the massage. Apparently responding to look of shock on Plaintiff's face, Watson said to Plaintiff, "Relax. It is okay to touch it." Plaintiff refused Watson's entreaties. Watson then stood up and continued masturbating more aggressively. As he did so, Watson asked the Plaintiff "Where do you want me to put it?" Plaintiff by this point was in complete shock and could not speak. She froze. Watson quickly ejaculated; some of his ejaculate got on Plaintiff's chest and face. Plaintiff immediately left the room, and ran into the bathroom to clean Watson's ejaculate off of her. Watson offered no apology or explanation for his conduct. He instead got dressed, paid Plaintiff \$150 via Cash App and left. Plaintiff was left humiliated and traumatized.

Shortly after the massage, Plaintiff called her close friend to tell her what happened. They both were mortified by Watson's conduct. There were no further massage sessions. She shortly thereafter quit massage therapy.

The NFL is notorious for fostering a culture that condones 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 suffers from depression and anxiety. Plaintiff also has difficulty sleeping. She has considered 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.

II. DISCOVERY PLAN

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

III. PARTIES

Plaintiff Katy Williams is an individual residing in Texas.

Defendant Deshaun Watson is an individual residing in Ohio and Texas. Defendant may be served at one of his places of residence, 11411 Legend Manor Drive, Houston, Texas 77082 or wherever he may be found.

IV. 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. The acts, events, transactions and omissions made the basis of this lawsuit occurred in whole or in part in Harris County, Texas.

Defendant still conducts operations here in Texas. Defendant maintains properties in Houston, Texas. He is still a resident of Texas. A civil action brought in state court over which a federal district court would have jurisdiction may generally be removed by a defendant to the district court where the state action is pending. 28 U.S.C. § 1441(a). However, when the only basis for federal jurisdiction is diversity of citizenship, removal is not permitted “if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.” 28 U.S.C. § 1441(b)(2). Additionally, the amount in controversy pled herein is less than \$75,000. Therefore, removal to federal court is improper.

V. 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 ejaculating onto 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 defendant 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. Masturbating in front of Plaintiff;
- f. Ejaculating onto Plaintiff;
- g. Failing to obtain Plaintiff's actual consent before attempting to engage in sexual conduct;

- h. Engaging in sexual conduct even though Plaintiff did not consent;
- i. Failing to take affirmative steps during the massage to control his unusual sexual proclivities; and
- j. Failing to not expose himself, ejaculating in front of the Plaintiff; and failing to not touch the Plaintiff with his ejaculate.

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.

VI. 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.

VII. 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.

VIII. REQUEST FOR JURY TRIAL

Plaintiff respectfully demands a jury trial and hereby tenders the appropriate fee.

IX. 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.

X. 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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