

CAUSE NO. \_\_\_\_\_

**KRISTEN GRIMES,**  
**Plaintiff,**

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**IN THE DISTRICT COURT**

v.

**HARRIS COUNTY, TEXAS**

**HOUSTON NFL HOLDINGS, L.P.**  
**and JASON LOWREY,**  
**Defendants.**

\_\_\_\_ **JUDICIAL DISTRICT**

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**PLAINTIFF’S ORIGINAL PETITION**

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TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Kristen Grimes (hereinafter “Plaintiff”), and complains of Houston NFL Holdings, L.P. (hereinafter “Houston Texans”) and Jason Lowrey (“Defendants,” collectively). In support of all her claims and causes of action, Plaintiff would respectfully show this Honorable Court as follows:

**THE PREMISE OF THIS LAWSUIT**

1. Defendants foster an Alpha-Male environment, where continuous improprieties toward female employees were not punished. In fact, they were rewarded. Plaintiff has exhibited the courage to stand against such misconduct, so that the same treatment will not endure to the detriment of other females in the future.

**DISCOVERY LEVEL**

2. The discovery in this matter will revolve around the improprieties and related practices employed by Defendants, and to which Plaintiff was directly subjected. In this regard,

Plaintiff intends for discovery to be conducted at Level 2, pursuant to Rule 190 of the Texas Rules of Civil Procedure.

### **JURISDICTION AND VENUE**

3. This Court has jurisdiction to hear Plaintiff's claims under governing Texas law. Inarguably, the amount in controversy vastly exceeds the minimum jurisdictional limits of this Honorable Court. Venue is also proper, as the events and objective misconduct giving rise to this suit occurred within Harris County, Texas.

### **PARTIES**

4. Plaintiff is an individual previously employed by the Houston Texans organization. Her residence is located within Brazoria County, Texas.

5. Defendant Houston NFL Holdings, L.P. is a foreign limited partnership engaged in the business of owning, managing, and marketing a National Football League Franchise, branded as the Houston Texans. Houston NFL Holdings, L.P. regularly conducts business within the State of Texas, and may be served with citation and a copy of this petition, through its registered agent, Capitol Corporate Services, Inc., located at 800 Brazos Street, Suite 400, in Austin, Texas 78701, or wherever it may be found.

6. Defendant Jason Lowrey is an individual whose residence is located in Richmond, Fort Bend County, Texas. Mr. Lowrey may be served with citation and a copy of this petition, by serving him at his residence, located at 5802 Peralta Meadow Court, in Richmond, Texas 77407.

### **BACKGROUND AND VICARIOUS LIABILITY**

7. At all times material hereto, Defendant Jason Lowrey was an agent and employee of Defendant Houston NFL Holdings, L.P., working both at their direction and with their

knowledge. Furthermore, the acts undertaken by Defendant Jason Lowrey described herein were committed within the course and scope of his employment with Defendant Houston NFL Holdings, L.P. As such, Defendant Houston NFL Holdings, L.P. is vicariously liable for the acts committed by Defendant Jason Lowrey that proximately caused the damages to Plaintiff, as set forth in detail below, as well as its own. This reflects a causal nexus between the work delegated to Defendant Jason Lowrey and his related conduct, such that the causes of action listed below were engendered by or arose out of the practices of the organization itself.

8. On May 6, 2013, Plaintiff began her employment with the Houston Texans Football Organization. The Manager of Football Operations, Jason Lowrey pursued a relationship with Plaintiff almost immediately after her hiring. At that time, it was well known within the Houston Texans organization that Mr. Lowrey manipulated and treated female employees inappropriately and wrongfully for his own pleasure. Plaintiff was completely unaware of this pattern and further had no prior knowledge of Mr. Lowrey's reputation or past history of misconduct. Moreover, Plaintiff felt obligated to participate in this sexually charged deviant behavior.

9. In December 2013, Jason Lowrey and Plaintiff were in Nashville, Tennessee for business at the direction of the Houston Texans organization. At that time, Mr. Lowrey groped Plaintiff in a bar in front of other Houston Texan employees and business guests, openly grabbing her butt. Mr. Lowrey then publicly demeaned Plaintiff in front of her guests and other employees, after Plaintiff rejected his inappropriate actions. Again, this occurred at a Houston Texans event, and such conduct was ratified by and imputed to the organization itself, which again took no corrective measures.

10. In February of 2015, Plaintiff attempted to sever her relationship with Jason Lowrey completely. Lowrey retaliated by openly stalking her at the workplace, and making it uncomfortable, if not impossible for Plaintiff to perform her job duties. As Plaintiff continued to ignore and avoid Jason Lowrey, both he and individuals within the Houston Texans' ownership began making false comments to other Houston Texan employees. These comments alleged that Plaintiff was having inappropriate relationships with players on the team. Mr. Lowrey additionally memorialized these false accusations in company emails that were sent to Plaintiff.

11. Lowrey continued this pattern of stalking and staring at Plaintiff in the employee cafeteria and hallways of the organization. In late 2015, Jason Lowrey and Plaintiff were in Nashville, Tennessee again for a business event. While at a bar with Houston Texans employees and guests, Lowrey publicly accused Plaintiff of having inappropriate relations with the Houston Texans offensive line players. Lowrey additionally would make lewd and inappropriate comments to Plaintiff in the employee break room, would make inappropriate gestures to Plaintiff in the workplace hallways, and would harass her in the company cafeteria.

12. Plaintiff eventually filed a complaint with the Human Resources Department of the Houston Texans. During her conversation with the Head of Human Resources, Plaintiff was immediately informed that it was well known within the Houston Texans organization that Jason Lowrey was a womanizer. The organization thereafter failed to conduct a proper and unbiased internal investigation of Plaintiff's complaint, clearly out of fear that the conduct would be discovered. The Houston Texans also decided not to reprimand or discipline Jason Lowrey in any way, other than to merely make a note of the complaint in his file. In fact, Mr. Lowrey inexplicably was promoted during this time.

13. After the Houston Texans questioned Lowrey about the complaint, he continued harassing Plaintiff at work. On one occasion, he even tailed Plaintiff's vehicle as Plaintiff was driving to work. He also continued to stalk Plaintiff within their workplace openly making improper gestures at her in the cafeteria, and in front of other Houston Texan employees.

14. The work environment had become so stressful and uncomfortable for Plaintiff that she began experiencing physical ailments, including ulcers and pain in her stomach. Plaintiff has additionally been forced to undergo extensive counseling, to cope with the stress and negativity at work. Despite following the protocol in place by the Houston Texans organization for filing a complaint with Human Resources, no action was taken to reprimand or discipline Defendant Jason Lowrey. Forced to endure these conditions, Plaintiff was constructively terminated from her employment in order to escape the hostile working conditions created by Jason Lowrey, and fostered by the Houston Texans organization.

#### AGENCY

15. All acts by Houston NFL Holdings, L.P. were undertaken and completed by its officers, agents, servants, employees, and/or representatives. Moreover, the acts of Defendant Jason Lowrey were done with the full authorization or ratification of Houston NFL Holdings, L.P. and were completed within his normal and routine course and scope of employment with Houston NFL Holdings, L.P.

#### COLLUSION

16. The commission of the above described acts, both undertaken by Defendant Jason Lowrey and known of by Defendant Houston NFL Holdings, L.P., amounts to collusion under Texas law. Such legally amounted to a deceitful agreement or compact between two or more

persons, which aptly characterizes the conduct within this matter, in tandem with the lack of any disciplinary or corrective measures by the organization. As such, these untoward actions, and non-action, are imputed to each Defendant.

### **CLAIMS AGAINST DEFENDANTS**

17. Plaintiff hereby incorporates by reference all facts and circumstances set forth within the foregoing paragraphs.

#### **A.** **NEGLIGENCE**

18. Plaintiff hereby incorporates by reference all facts and circumstances set forth under the foregoing paragraphs.

19. Defendants had a duty to use reasonable care in their interactions with the general public and within the Houston Texans organization, to ensure that individuals are free from foreseeable risks of harm from the conduct set forth in the paragraphs above, and not to expose such persons to foreseeable risks of injury, including but not limited to, causing harm to Plaintiff.

20. Defendants breached the duty of care owed to its employees, and to Plaintiff by failing to act with the requisite care required and causing Plaintiff to suffer the above described conduct.

21. Defendants knew, or in the exercise of ordinary and reasonable care should have known, that Defendant Jason Lowrey's conduct posed a significant risk of harm to Plaintiff, as it did when Defendant Jason Lowrey interacted with Plaintiff and caused her to suffer physical and emotional harm, that would not have otherwise occurred but for the improper conduct of the Defendants. Defendants breached the duty of care owed to Plaintiff and other individuals by failing to act with the requisite care required under the law.

22. Clearly, the misconduct of Defendants, as well as Plaintiff's injuries, resulted from and arose directly out of Defendant Jason Lowrey's employment with Defendant Houston Texans. Defendants acted with a conscious, intentional failure and reckless indifference to the rights and well being of Plaintiff, which resulted in her harm and damages.

23. As a proximate cause of Defendants' conduct and breach of the duty of care, Plaintiff suffered physical harm, mental anguish and emotional stress in an amount exceeding the minimal jurisdictional limits of this Honorable Court.

**B.**  
**GROSS NEGLIGENCE**

24. As set out in the paragraphs above, Defendants acted with specific intent to cause substantial injury to Plaintiff. Furthermore, the acts and omissions of the Defendants involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others. The facts presented in this cause establish that Defendants had actual and subjective awareness of the risk to Plaintiff and others and proceeded with conscious indifference to rights, safety, and welfare of Plaintiff and others.

**C.**  
**CIVIL ASSAULT**

25. Plaintiff hereby incorporates by reference all facts and circumstances set forth within the above paragraphs.

26. On several instances during the duration of Plaintiff's employment with Defendant Houston NFL Holdings, L.P., Defendant Jason Lowrey put Plaintiff in fear of imminent harm. At that time, Defendant Jason Lowrey knew or reasonably should have believed

that Plaintiff would regard the contact as offensive or provocative, and Defendant Houston NFL Holdings, L.P. was actually or constructively aware of the same.

27. As a direct and proximate cause, Defendant Jason Lowrey's threats resulted in severe and emotional injuries to Plaintiff.

**D.**

**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

28. Plaintiff hereby incorporates by reference all facts and circumstances in the paragraphs set out above.

29. Defendant Jason Lowrey intentionally and recklessly caused Plaintiff to suffer severe emotional distress through conduct know to Defendant Houston NFL Holding, L.P.. Specifically, the misconduct by Defendant Jason Lowrey described above, which was open and clear within the workplace, was extreme and outrageous towards Plaintiff. This extreme and outrageous behavior directed at Plaintiff was the direct and proximate cause of the severe emotional distress that she suffered and resulted from an environment fostered by Defendant Houston NFL Holdings, L.P..

**E.**

**DEFAMATION - LIBEL AND SLANDER**

30. Plaintiff hereby incorporates by reference all facts and circumstances in the foregoing paragraphs.

31. As described above, Defendant Jason Lowrey published both oral and written statements of fact regarding Plaintiff that were defamatory. These statements were directly communicated to third parties intentionally and also with an unreasonable risk that the statements would be communicated to a third party.

32. The statements made about Plaintiff by Defendant Jason Lowrey expressly or impliedly asserted facts that could be objectively verifiable, including but not limited to statements regarding Plaintiff's inappropriate relations with certain players on the Houston Texans football team. These statements imputed sexual misconduct by Plaintiff and are considered slander per se. These same statements regarding such sexual misconduct were also made in written email correspondence and are therefore, libel per se as well.

33. Defendant Jason Lowrey's oral and written statements about Plaintiff's sexual misconduct were false and were made with malice, negligence, and without regard to fault. As a direct result of the slander per se and libel per se described above, Plaintiff's damages are presumed under Texas law.

34. As Defendant Jason Lowrey acted with malice when making the above statements imputing sexual misconduct by Plaintiff, and as Plaintiff suffered actual damages that were proximately caused by those statements, Plaintiff is additionally entitled to recover exemplary damages.

### **DAMAGES**

35. Defendants' acts have been the producing and/or proximate cause of damage to Plaintiff, including but not limited to her actual damages, mental anguish, emotional distress, attorney's fees, and court costs, in excess of the minimum jurisdictional limits of this Court.

36. More specifically, Plaintiff seeks monetary relief exceeding the minimal jurisdictional limits of this Honorable Court. This damage range includes all actual and consequential damages suffered by Plaintiff, along with recoverable costs of court with fees and interest available under the above included causes of action in this matter. Furthermore, Plaintiff

seeks the recovery of exemplary damages as she is justly entitled to based on the conduct described above.

**JURY DEMAND**

37. Plaintiff demands a jury trial and tenders the appropriate fee with this Original Petition.

**REQUEST FOR DISCLOSURE**

38. Pursuant to the Texas Rules of Civil Procedure, Plaintiff requests that Defendants Houston NFL Holdings, L.P. and Jason Lowrey disclose all information and/or material as required by Rule 194.2, paragraphs (a) through (l), and to do so within 50 days of this request.

**REQUEST FOR PRODUCTION**

39. Pursuant to the Texas Rules of Civil Procedure, Plaintiff propounds the following Requests for Production, and demands Defendants Houston NFL Holdings, L.P. and Jason Lowrey to respond within fifty (50) days.

- a. The complete employee and personnel file of Kristen Grimes;
- b. All correspondence between Defendants and Ms. Grimes;
- c. All documentation reflecting complaints by Ms. Grimes in regard to any individual employed by your organization, and the results related to same; and
- d. The complete Houston Texans' policies, procedures or protocols regarding workplace relationships, conduct toward subordinates, and the reporting of any conduct afoul thereof, as well as any other document(s) related to the same.

**CONCLUSION**

Plaintiff prays that judgment be entered against Defendant Houston NFL Holding, L.P. and Defendant Jason Lowrey, and that Plaintiff be awarded all of her actual damages, consequential damages, prejudgment interest, additional statutory damages, post judgment interest, attorneys fees, court costs and for all such other relief, general or specific, in law or in equity, whether pled or un-pled within this Original Petition.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays she be awarded all such relief to which she is due as a result of the acts of Houston NFL Holding, L.P. and Jason Lowrey, and for all such other relief to which Plaintiff may be justly entitled.

Respectfully submitted,

**THE VOSS LAW FIRM, P.C.**

*/s/ Scott G. Hunziker* \_\_\_\_\_

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**ATTORNEYS FOR PLAINTIFF**