

DC-20-13127  
CAUSE NO. \_\_\_\_\_

JANE DOE	§	IN THE DISTRICT COURT
	§	
Plaintiff,	§	
	§	
vs	§	_____ JUDICIAL DISTRICT
	§	
JERRY JONES, AND DALLAS	§	
COWBOYS FOOTBALL CLUB LTD.	§	
	§	
Defendants.	§	DALLAS COUNTY, TEXAS

**PLAINTIFF’S ORIGINAL PETITION, REQUEST FOR JURY TRIAL AND  
REQUEST FOR DISCLOSURE**

TO THE HONORABLE DISTRICT COURT JUDGE:

COMES NOW, Plaintiff, JANE DOE, and files her Original Petition, Request for Jury Trial, and request for Disclosure, complaining of Defendants, JERRY JONES and DALLAS COWBOYS FOOTBALL CLUB LTD, and would show the Court the following:

**I.**

**DISCOVERY CONTROL PLAN**

1. Plaintiff intends to conduct discovery under Level 3 of Texas Rule of Procedure 190.4, and be controlled by a scheduling order to be agreed upon by the parties and the Court.

**II.**

**PARTIES**

2. Plaintiff JANE DOE is an individual who resides in the United States of America. JANE DOE is not her real name; it is a pseudonym used to protect her identity.

3. Defendant JERRY JONES is an individual who resides in Dallas, Dallas County, Texas, and service of process may be perfected on him individually at his home or place of employment.

4. Defendant DALLAS COWBOYS FOOTBALL CLUB LTD (hereinafter referred to as “COWBOYS”) is a business operating in the State of Texas and service of process may be perfected by serving its registered agent for service C T Corporation System, 1999 Bryan Street, Ste. 900, Dallas Texas 75201-3136.

### **III.**

#### **JURISDICTION**

5. The court has jurisdiction over this action because the facts giving rise to this action occurred in whole or in part within Dallas County, Texas and the damages sought by Plaintiff are well in excess of the minimum jurisdictional limits of this Court.

### **IV.**

#### **VENUE**

6. Venue is proper in Dallas County, Texas pursuant to Texas Civil Practice and Remedies Code § 15.002(a)(1) because all or a substantial part of the events or omissions occurred in Dallas County, Texas.

### **V.**

#### **ASSAULT & BATTERY**

7. Defendants intentionally, knowingly, and/or recklessly assaulted Plaintiff by making contact with Plaintiff and causing Plaintiff injury and offense as a result of such contact. These acts of assault are described more specifically in the following paragraphs.

8. In September 2018 Defendant JERRY JONES intentionally, knowingly, and forcibly kissed Plaintiff on her mouth. Defendant JERRY JONES performed this act without the consent of Plaintiff.
9. In September 2018 Defendant JERRY JONES intentionally, knowingly, and forcibly grabbed Plaintiff. Defendant JERRY JONES performed this act without the consent of Plaintiff.
10. JERRY JONES'S misconduct was known, or with the exercise of reasonable care should have been known by Defendant COWBOYS.
11. The acts of Defendants pled in Paragraphs 7-10 herein proximately caused injuries to Plaintiff.

## VI.

### **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

12. Defendant JERRY JONES'S assault of Plaintiff constitutes extreme and outrageous conduct. For the COWBOYS to facilitate its president in his sexual predations constitutes extreme and outrageous conduct. Defendants JERRY JONES and COWBOYS intentionally caused severe emotional distress to Plaintiff and Plaintiff suffered severe injuries as a direct and proximate result.

## VII.

### **NEGLIGENCE**

13. Defendant COWBOYS committed acts of omission and commission, which collectively and severally, constituted negligence and gross negligence, which was the proximate cause of the injuries and damages to Plaintiff.
14. Defendant COWBOYS failed to use reasonable care to prevent the negligent and grossly negligent acts from occurring. Specifically, Defendant COWBOYS, through their employees and officers, were negligent and grossly negligent in the following (but not limited to) respects:
- a. Supervising, assigning, and retaining JERRY JONES;
  - b. Failing to provide adequate monitoring of JERRY JONES;
  - c. Failing to institute and implement policies for the protection of females;
  - d. Failing to investigate allegations of inappropriate conduct;
  - e. Failing to report crimes against Plaintiff and others to law enforcement;
  - f. Tampering with criminal evidence;
  - g. Threatening victims and witnesses to deter criminal complaints;
  - h. Making decisions which reflected that the reputation of JERRY JONES and COWBOYS and the desire to avoid scandal were vastly superior and more important to the COWBOYS than the welfare of the Plaintiff and other victims who had been sexually abused by JERRY JONES;
  - i. Fostering an environment and culture where abuse of females could flourish and in which it was clearly understood that there was no accountability for such criminal acts toward females.
  - j. Failing to warn Plaintiff or the public of the dangerous sexual propensities of JERRY JONES toward females;

- k. Retaining JERRY JONES in a position of trust, confidence and authority as president in direct contact with females when it knew or should have known of his dangerous sexual propensities.
15. Defendant COWBOYS bear vicarious liability for the acts and omissions of its agents, employees and officers under theories of respondeat superior and/or apparent authority. In particular, Defendant COWBOYS bear vicarious liability for the acts and omissions of JERRY JONES.
16. The conduct of Defendant COWBOYS was in violation of state and federal criminal statutes regarding sexual abuse which constitutes negligence per se.
17. The acts of Defendant JERRY JONES and COWBOYS pled in Paragraphs 13-16 herein proximately caused injuries to Plaintiff.

## VIII

**THE COWBOYS WERE CRIMINALLY COMPLICIT WITHIN THE MEANING OF TEX. CIV. PRAC. & REM. CODE ANN. §41.005(b), THEREFORE PUNITIVE DAMAGES APPLY**

18. Tex. Civ. Prac. Rem. Code § 41.005(a) does not apply to bar punitive damages in this matter because Defendants were criminally complicit. Tex. Civ. Prac. & Rem. Code § 41.005(b)(2) provides an exception when a defendant is criminally responsible as a party to the criminal act. Under Chapter 7 of the Texas Penal Code, specifically § 7.02(a), a person is criminally responsible for an offense committed by the conduct of another if:

- (2) acting with intent to promote or assist the commission of the offense, he solicits, encourages, directs, aids, or attempts to aid the other person to commit the offense; or
- (3) having a legal duty to prevent commission of the offense and acting with intent to promote or assist its commission, he fails to make a reasonable effort to prevent commission of the offense.

19. Tex. Pen. Code. Ann. § 7.02(a)(2). The provisions of this statute are met because Defendant COWBOYS assisted and aided JERRY JONES in the commission of the assault on Plaintiff by failing to report JERRY JONES to law enforcement, and retaining him in a position of trust, confidence and authority as president in direct contact with females when it knew or should have known of his dangerous sexual propensities.

20. Further, Tex. Pen. Code. Ann. § 7.02(a)(3) is met because Defendants had a duty to prevent the assault of Plaintiff. Instead Defendants knew of his problems with womanizing, yet he was still retained in a position of trust, confidence and authority as president in direct contact with females when it knew or should have known of his dangerous sexual propensities.

21. Additionally, Tex. Pen. Code Ann. §7.21 -7.23 encompasses the criminal responsibility of corporations or associations and provides that a corporation or association is criminally responsible for the conduct of its agent if it was authorized, performed or recklessly tolerated by a high managerial agent. The Defendant COWBOYS not only tolerated Defendant JERRY JONES'S conduct, they aided and abetted JERRY JONES in said conduct. Plaintiff

would show that Defendants recklessly tolerated and allowed the conduct of Defendant JERRY JONES and are therefore, subject to punitive damages in this matter.

## **IX.**

### **DAMAGES**

22. Defendants' egregiously wrongful conduct resulted in and proximately caused injury to the Plaintiff. Plaintiff seeks damages allowed in the State of Texas in an amount within the jurisdictional limits of the Court. The damages include past and future physical pain and mental anguish, past and future severe psychological pain and suffering, past and future emotional distress, and past and future medical expenses.
23. As a result of the conduct and incidents described herein, Plaintiff has suffered many other damages, including loss of self esteem, loss of trust, depression. In all reasonable probability, her social and professional adjustment in the past has been affected and in all probability her future social professional life will be adversely impacted as well.
24. Plaintiff has suffered lost wages in the past and will suffer diminished wage-earning capacity in the future.
25. The Texas Rules of Civil Procedure require that Plaintiff choose among several statements regarding the amount Plaintiff seeks. Plaintiff is suing for the amount determined to be fair and reasonable by the jury. Because the jury could potentially determine that fair and reasonable damages are in excess of \$1,000,000 in this case, Plaintiff must state that she seeks monetary relief of

over \$1,000,000 so as to not limit what the jury may award in this case. Accordingly, pursuant to Tex. R. Civ. P. 47, Plaintiff states that she seeks monetary relief of more than \$1,000,000.

**X.**

**GROSS NEGLIGENCE PUNITIVE DAMAGES**

26. Plaintiff also seeks punitive and exemplary damages in order to punish and deter the outrageous conduct of all of the Defendants herein. Facts as alleged above will be proven by Plaintiff's clear and convincing evidence that Defendants acted fraudulently and maliciously and were grossly negligent in that, either by act or omission, they exposed Plaintiff to an extreme degree of risk of harm, considering the probability, magnitude and extent of the harm that would likely impact them and which ultimately did. Further, Defendants had real, subjective awareness of the risks involved, but nevertheless proceeded with callous indifference to the rights, safety, and welfare of Plaintiff, physically and psychologically. The acts were committed knowingly, in consequence of which the punitive damages cap does not apply. *See Tex. Civ. Prac. & Rem. Code §41.008( c).*

27. To the extent that this case arises out of criminal conduct committed by JERRY JONES, an unfit employee or agent of Defendant COWBOYS, Defendant COWBOYS is liable for exemplary damages because the agent was notably unfit; COWBOYS acted with malice in employing or retaining him and in failing to supervise him; the employee or agent was employed in a

managerial capacity and was acting in the scope of employment; and/or COWBOYS effectively ratified or approved his acts.

**XI.**

**PRE-JUDGMENT AND POST-JUDGMENT INTEREST**

28. Plaintiff herein claims interest in accordance with Texas Finance Code §304.001, et seq. and any other applicable law.

**XII.**

**DEMAND FOR JURY TRIAL**

29. Plaintiff demands a jury trial and tenders the appropriate fee with this petition.

**XIII.**

**REQUEST FOR DISCLOSURE**

30. Under Texas Rule of Civil Procedure 194, Plaintiff requests that Defendants disclose, within 50 days of service of this request, the information or material described in Rule 194.2 to be produced to Thomas Bowers, attorney for Plaintiff, 6363 North State Highway 161, Ste 450, Irving, Texas 75038 during normal business hours.

**XIV.**

**PRAYER**

31. For these reasons, Plaintiff asks that the Court issue citations for Defendants to appear and answer, and that Plaintiff be awarded a judgment against Defendants, jointly and severally, for all damages described herein, including actual damages, punitive damages, attorney's fees, cost of suit, interest as

allowable by law and for such other relief, in law and in equity, to which  
Plaintiff may be justly entitled.

Respectfully submitted,

By: /s/ Thomas Bowers  
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