

CAUSE NO. 342-300620-18

JANE DOE 115, a pseudonym,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
vs.	§	
	§	TARRANT COUNTY, TEXAS
GOVSAN HOLDINGS L.L.C., d/b/a	§	
MASSAGE ENVY SPA MONTGOMERY	§	
PLAZA and STING RAY SALGADO,	§	
	§	
Defendants.	§	___ JUDICIAL DISTRICT

---

**PLAINTIFF'S ORIGINAL PETITION, REQUEST FOR JURY TRIAL  
AND REQUEST FOR DISCOVERY**

---

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Plaintiff, a victim of sexual assault, using the pseudonym Jane Doe 115, and files this, her Plaintiff's Original Petition and Request for Jury Trial and Request for Discovery, complaining of and about the acts and omissions of Defendants **GOVSAN HOLDINGS L.L.C., doing business as MASSAGE ENVY SPA MONTGOMERY PLAZA and STING RAY SALGADO** and prays for damages as follows:

**I.  
DISCOVERY CONTROL PLAN**

1.01. As required by TEX. R. CIV. P. 190.1, Plaintiff files this lawsuit under a Level 3 Discovery Control Plan (TEX. R. CIV. P. 190.4) and requests the Court enter a Scheduling Order appropriate for this case.

## **II.**

### **PARTIES AND SERVICE**

2.01 Plaintiff Jane Doe 115 (“**Doe 115**” or “**Doe**”) resides in Tarrant County, Texas. The last three digits of her Social Security number are 809; the last three digits of her drivers license number are 806.

2.02. Plaintiff Doe 115 is an adult female who files this lawsuit using a pseudonym in order to protect her privacy as a victim of sexual assault because she fears further psychological and physical harm if her name were publicly disclosed as this lawsuit involves facts of the utmost intimacy regarding the sexual assault she suffered. Her identity is known to Defendants.

2.03. Defendant, **GOVSAN HOLDINGS L.L.C., doing business as MASSAGE ENVY SPA MONTGOMERY PLAZA** (“**Massage Envy Montgomery Plaza**”), is a corporation or business organization organized under the laws of the State of Texas operating as Massage Envy Spa located in the Montgomery Plaza Shopping Center, 2600 West 7th Street, Fort Worth, Tarrant County, Texas 76107. It may be served with process by serving its registered agent, **Sanjeev Khanna, 3020 Communications Parkway, Ste. 100, Plano, Texas 75093**, or wherever he may be found.

2.04. Defendant **Sting Ray Salgado** (“**Sting**” or “**Salgado**”) is an individual who currently resides in Tarrant County, Texas. He is a Massage Therapist licensed in Texas and may be served with process by delivering a copy of this Petition with citation to his last known residence, **3200 Saint Juliet Street, Apartment 2215, Fort Worth, Tarrant County, Texas 76107-1236**, or wherever he may be found.

2.05. All corporate Defendants herein are sued in their common and assumed names pursuant to Texas Rules of Civil Procedure 28.

**III.**  
**JURISDICTION AND VENUE**

3.01. Pursuant to Texas Rules of Civil Procedure 47, relief is sought for damages within the jurisdictional limits of this court.

3.02. Venue is proper in Tarrant County, Texas, pursuant to Texas Civil Practice and Remedies Code Section 15.002(a)(1) in that all or a substantial part of the acts and/or omissions took place in Tarrant County, Texas.

**IV.**  
**FACTS**

4.01. On or about September 12, 2017, Plaintiff was a patron at a facility owned and operated by Defendant, GOVSAN HOLDINGS L.L.C., doing business as MASSAGE ENVY SPA MONTGOMERY PLAZA (“Massage Envy Montgomery Plaza”) located at 2600 West 7th Street, Fort Worth, Texas 76107. Plaintiff had a current paid membership with Defendant Massage Envy Montgomery Plaza. At all relevant times, based upon information and belief, there was an employer-employee relationship between Defendant, Sting Ray Salgado and Defendant Massage Envy Montgomery Plaza. Further, the Montgomery Plaza premises was under the exclusive management, control, and possession of Defendant Massage Envy Montgomery Plaza at the time of the sexual assault of the Plaintiff.

4.02 Plaintiff was an invitee and/or authorized visitor and paying client/member on the Montgomery Plaza premises to whom Massage Envy Montgomery Plaza owed a duty to use ordinary care, including the duty to protect and to safeguard Plaintiff from conditions or employees and/or agents on the premises that posed an unreasonable risk of harm or to warn of the existence of such conditions. As a result of its negligence, Defendant Massage Envy Montgomery Plaza

breached such duties owed to Plaintiff. Such negligence was a proximate cause of the occurrence and of Plaintiff's injuries and damages herein.

4.03. In approximately February 2016, Plaintiff signed a contract for monthly massages with Defendant Massage Envy Montgomery Plaza. Plaintiff went to Defendants' Montgomery Plaza premises for massage services. The massage therapist, an employee and/or agent or ostensible agent of Defendant Massage Envy Montgomery Plaza whose sexual misconduct is complained of in this lawsuit was, Defendant, Sting Ray Salgado.

4.04 In the summer of 2017, Plaintiff first massage session with Sting was uneventful, so, she initially had no reason for concern. However, during the second massage, although Plaintiff was wearing yoga shorts, toward the end of the massage Sting continually tried to expose by Plaintiff's genitals by moving aside her shorts and repeatedly rubbing her labia. Plaintiff thought perhaps Sting's conduct was inadvertent and quickly banished any thoughts that his actions were untoward because, after all, Massage Envy was a reputable Spa with reputable massage therapists.

4.05 Then, during the next (third) massage on September 12, 2017, again toward the end of the session, Sting became more aggressive, pushing aside her shorts to expose her genitals and rubbing her vagina with his hands repeatedly. Alarmed, Plaintiff moved her shorts back in place, turned over and said, "No!" When Sting disregarded her instructions to stop and continued touching her genitals inappropriately, Plaintiff ended the session and immediately asked the Massage Envy receptionist to speak to a manager. Advised that a manager was not on premises, Plaintiff told the receptionist she never wanted a massage with Sting again. The very next day, Plaintiff called and told the receptionist that Sting had been inappropriate and that she wanted to cancel her membership. The receptionist replied she would inform the manager. Plaintiff did not hear anything whatsoever from

Defendant Massage Envy Montgomery Plaza for several days. When Defendant Massage Envy Montgomery Plaza did respond, they refused her request to cancel her membership.<sup>1</sup> Based upon information another woman was sexually assaulted by Defendant Salgado at the very same Massage Envy Montgomery Plaza location subsequent to Plaintiff's report. Plaintiff has also reported Sting's assault to law enforcement and to the Texas massage licensing board. She continues to suffer damages as a result of this traumatic event and/or the negligence and/or intentional misconduct of Defendant Salgado and the negligent acts and omissions of Defendant Massage Envy Montgomery Plaza.

4.06. Plaintiff did not invite, induce, ratify, implicitly consent, or comply with this sexual contact. To the contrary, Plaintiff was mortified and shocked at Salgado's actions. She is in disbelief at this violation by a licensed massage therapist.

4.07. The massage industry, especially the Massage Envy franchise, has a substantial problem with sexual abuse and/or sexual assault that is or should be known to of Defendant Massage Envy Montgomery Plaza. The problem is the sheer number of acts of sexual battery, sexual assaults, acts of sexual malfeasance, and acts of sexual misconduct committed nationwide by its male massage therapists upon female clients and is a foreseeable hazard in the spa industry<sup>2</sup>. It is of such magnitude as to constitute a corporate pattern and practice of negligence and gross negligence in allowing sexually abusive therapists to be hired and retained, placing women in danger of sexual assault.

---

<sup>1</sup> Massage Envy cancelled Plaintiff's membership only after the Buzz feed article referenced in footnote 2 came out in the national news and more than a month after the assault. See footnote 2.

<sup>2</sup> At least 180 people have filed sexual assault civil suits, police reports or complaints to state board against Massage Envy, its franchises and their employees, according to a BuzzFeed News investigation. <https://www.usatoday.com/story/news/nation/2017/11/27/massage-envy-therapists-accused-180-sexual-assaults/896972001/>

4.08. Sexual battery, sexual assault, sexual misconduct, and sexual malfeasance are generally foreseeable consequences of the nature of work involved in the massage industry and are an unfortunate reality engendered by the type of work of Defendant Massage Envy Montgomery Plaza's massage therapists are paid to perform. This fact is or should be well known to management of Defendant Massage Envy Montgomery Plaza.

4.09. Defendant Massage Envy Montgomery Plaza negligently selected, hired, retained, and supervised Defendant Salgado when they knew or should have known that Defendant Salgado was a danger to its female customers. The very existence of Defendant Salgado on the Montgomery Plaza premises made the premises unreasonably dangerous since Defendant Massage Envy Montgomery Plaza knew or should have known that Defendant Salgado was unfit for the intimate duties assigned and a palpable risk in that he did not maintain appropriate boundaries with women, was sexually inappropriate with female clients, and/or posed a real danger of perpetuating unwanted sexual contact upon them.

4.10. Defendant Massage Envy Montgomery Plaza failed to properly train and supervise its employees regarding responding to and investigating reports of sexual misconduct.

4.11. Defendant Massage Envy Montgomery Plaza fostered an environment conducive to sexual misconduct by its massage therapists by allowing them to commit sexual misconduct without the consequence that law enforcement would be notified. Defendant Massage Envy Montgomery Plaza and their massage therapists are actually emboldened by the knowledge that most clients will never report their incidents of sexual battery/assault/misconduct/malfeasance. On its own, the spa will not readily report such incidents to the Texas Department of Health or Law Enforcement agencies which places other patrons in danger of sexual assault.

4.12. Defendant Massage Envy Montgomery Plaza negligently actively advertised and promoted Massage Envy Montgomery Plaza as a safe facility, yet it failed to ensure that patrons, such as Plaintiff, would be safe from sexually predatory massage therapists.

**V.**  
**CAUSES OF ACTION AGAINST DEFENDANT**  
**MASSAGE ENVY MONTGOMERY PLAZA**

5.01 On the occasion in question, Defendant Massage Envy Montgomery Plaza and its agents, servants, and employees, including Sting Salgado, who were at all times acting in the course and scope of their employment, were guilty of negligence toward Plaintiff. Defendant Massage Envy Montgomery Plaza is further liable for the negligent acts of their agents, servants, or employees, including Defendant Sting Salgado, under the legal doctrine of *respondeat superior*. At all relevant times, Defendant Sting Salgado was an agent/apparent or ostensible agent of Defendant Massage Envy Montgomery Plaza. Such negligence was a proximate cause of the sexual assault of Plaintiff, including, but not limited to, the Defendant Massage Envy Montgomery Plaza's negligence in:

- A. Creating a condition on Defendant's premises that posed an unreasonable risk of harm to individuals such as Plaintiff;
- B. Failing to make a safe condition on Defendant's premises which Defendant knew, or in the exercise of ordinary care should have known, posed an unreasonable risk of harm to individuals such as Plaintiff;
- C. Failing to warn Plaintiff of Defendant Salgado's sexually predatory nature prior allegations of sexual assault;

- D. Negligently hiring Defendant Salgado in a position requiring him to have close personal contact with the public, including Plaintiff;
- E. Negligently allowing Defendant Salgado access to a massage room when Defendant's and its representatives knew, or in the exercise of ordinary care should have known, that Defendant Salgado was unfit;
- F. Negligently retaining Defendant Salgado in its employ in a position that involved close personal contact with members/clients and members of the public;
- G. Negligently and inadequately supervising its employees, including Defendant Salgado, whose actions were committed in the actual or apparent course and scope of his employment with Defendant Massage Envy Montgomery Plaza ;
- H. Negligently authorizing and entrusting Defendant Salgado to be alone with Plaintiff in a dimly lit room while Plaintiff was undressed and in a prone and vulnerable position;
- I. Failing to create and/or enforce safety rules, policies, and procedures governing massage therapists' conduct during massage sessions;
- J. Failing to create and/or enforce policies, procedures, and safety rules that would prohibit its employees with a history of inappropriate conduct from giving massages;
- K. Failing to create and/or enforce policies, procedures, and safety rules mandating a complete and thorough background check of any and all employees, including Defendant Salgado;
- L. Negligently marketing and advertising massage services sold to Plaintiff;

- M. Negligently representing to the public, including Plaintiff, that they offered professional services and trained their employees and agents for such professional services;
- N. Negligently representing to the public, including Plaintiff, of the quality and safety of the massage services offered by Defendant;
- O. Failing to warn Plaintiff of the inappropriate and substandard hiring and retention, training, and supervision of their employees, including Defendant Salgado;
- P. Negligently allowing Defendant Salgado to interact with Plaintiff, inappropriately touch her, and/or commit “battery” against her under common law;
- Q. Negligently aiding Defendant Salgado to accomplish the tort upon Plaintiff by the existence of his agency relationship with Defendant Massage Envy Montgomery Plaza . Specifically, Defendant Salgado used the authority actually delegated to him by Defendant Massage Envy Montgomery Plaza to initiate sexual contact with Plaintiff while she was undressed and lying in a prone, vulnerable position seeking relaxation. She was in this vulnerable position with Defendant Salgado precisely because of Defendant Massage Envy Montgomery Plaza’s agency relationship with Defendant Salgado;
- R. Negligently assessing the risk of sexual misconduct, protecting its female clients, properly training Defendant Salgado, implementing quality control measures, placing limitations on Defendant Salgado’s employment and otherwise reducing the risk of sexual misconduct to its female clients. In short, Defendant Massage Envy Montgomery Plaza took no meaningful action to protect its female clients from the

risk of harm by Defendant Salgado;

- S. Negligently failing to disclose to Plaintiff the high rate of sexual contact being committed in a spa setting and instructions on how to prevent, be prepared for and respond to such foreseeable harm;
- T. Negligently failing to take reasonable steps to ensure the safety of Plaintiff by installing panic buttons in the massage therapy rooms;
- U. Negligently failing to implement a policy whereby all incidents of alleged sexual misconduct are reported to the Texas Department of Health and local law enforcement;
- V. Negligently failing to train their staff on how to respond and report to law enforcement all incidents involving inappropriate situations with clients;
- W. Negligently failing to train their staff on how to respond and report to Defendant Massage Envy Montgomery Plaza hierarchy all incidents involving inappropriate situations with clients; and
- X. Plaintiff pleads fraud against Defendant Massage Envy Montgomery Plaza for intentional misrepresentations as well as non-disclosure related to Sting Ray Salgado's character and propensity to sexually assault female clients.

5.02 Plaintiff asserts that Defendant Massage Envy Montgomery Plaza is further liable for acts and/or omissions pursuant to the Restatement (Second) of Torts, Section 302B, under the legal doctrine of negligent assumption of risk of intentional or criminal conduct.

An act or an omission may be negligent if the actor realizes or should realize that it involves an unreasonable risk of harm to another through the conduct of the other or a third person which is intended to cause harm, even though such conduct is criminal.

Restatement (Second) of Torts, Section 302B.28.

5.03 Plaintiff asserts further that Defendant Massage Envy Montgomery Plaza is liable for acts and/or omissions pursuant to the Restatement (Second) of Torts, Section 311, under the legal doctrine of negligent misrepresentation involving risk of physical harm.

- (1) One who negligently gives false information to another is subject to liability for physical harm caused by action taken by the other in reasonable reliance upon such information, where such harm results
  - (a) to the other, or
  - (b) to such third persons as the actor should expect to be put in peril by the action taken.
- (2) Such negligence may consist of failure to exercise reasonable care
  - (a) in ascertaining the accuracy of the information, or
  - (b) in the manner in which it is communicated.

Restatement (Second) of Torts, Section 311.

5.04 Defendant Massage Envy Montgomery Plaza is further liable to Plaintiff for premises liability. Plaintiff was an invitee by Defendant Massage Envy Montgomery Plaza to its premises. Defendant Massage Envy Montgomery Plaza owed a duty of care to those who may be harmed by criminal acts on its premises where it conducted its business when the risk of criminal conduct is so great that it is both unreasonable and foreseeable. Defendant Massage Envy Montgomery Plaza was aware of or should have been aware of criminal acts of sexual assault by Defendant Sting Salgado on its property. Defendant Massage Envy Montgomery Plaza thus breached its duty of care to Plaintiff when it allowed Salgado to remain on its property, thus harming Jane Doe 115.

5.05 Defendant Massage Envy Montgomery Plaza intentionally inflicted emotional distress upon Doe 115 by refusing to protect others against Defendant Salgado's predation and further refusing to cancel her contract.

5.06 Such other and further acts of negligence as shown in the trial of this case.

5.07 Each of the foregoing negligent acts and omissions described above, whether taken singularly or in any combination, was a proximate cause of Plaintiff's injuries and damages which are described below.

## **VI. CAUSES OF ACTION AGAINST STING RAY SALGADO**

6.01. Defendant Sting Ray Salgado was at all relevant times a licensed massage therapist subject to the laws of the State of Texas governing his profession.

6.02. Defendant Sting Ray Salgado knew of his own dangerous sexual propensities toward women. Plaintiff relies on Sting Ray Salgado's mental and/or emotional condition as part of her claims. (See Texas Rules of Evidence 509(e)(4) and 510(d)(5)).

6.03. Defendant Sting Ray Salgado sexually assaulted Doe 115.

6.04. Defendant Sting Ray Salgado made unwanted physical and sexual contact with Plaintiff by placing his hands on and exposing and rubbing Plaintiff's genitals and thereby assaulted her when he knew or should have reasonably believed that such contact would be unwanted and offensive to Plaintiff. Plaintiff thus pleads sexual assault, assault and battery against Defendant Sting Ray Salgado.

6.05. Defendant Sting Ray Salgado's sexual battery resulted in the infliction of physical and emotional distress on Plaintiff.

6.06. Defendant Sting Ray Salgado violated the Texas Penal Code when he engaged in the above-described sexual contact with Plaintiff. Defendant Sting also violated 25 Tex. Admin. Code 140.305 in that during a massage session he made improper sexual contact with Plaintiff. Such violations of these criminal and administrative laws of Texas constitute negligence *per se*.

6.07. Plaintiff pleads that Defendant Sting Ray Salgado was negligent in his conduct towards Plaintiff when he failed to use ordinary care in his conduct with Plaintiff when he was aware of his own illegal sexual proclivities.

6.08. Plaintiff pleads fraud against Defendant Sting Ray Salgado for intentional misrepresentations as well as non-disclosure related to his character and propensity to sexually assault women.

6.09. Plaintiff pleads Defendant Sting Ray Salgado acted at the time and on occasions in question with heedless and reckless disregard for the safety and welfare of Plaintiff, which disregard was the result of conscious indifference to the rights, welfare, and safety of the Doe 115. Plaintiff pleads that the Defendant Sting Ray Salgado's conduct on the occasion in question constituted gross negligence.

## **VII.** **GROSS NEGLIGENCE (ALL DEFENDANTS)**

7.01 Sexual Assault is utterly reprehensible. It cannot be tolerated in any society, yet alone a civilized society. Defendants at the time and on the occasions in question, acted with heedless and reckless disregard for the safety of Jane Doe 115 and other vulnerable, unsuspecting women, which disregard was the result of conscious indifference to the rights, welfare, and safety of Plaintiff in violation of the laws of the State of Texas.

7.02. Further, Tex. Civ. Prac. & Rem. Code § 41.005(a) does not apply to bar punitive damages in this matter because the 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:

- (1) 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

- (2) 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.

7.03. Tex. Pen. Code Ann. § 7.02(a)(2). The provisions of this statute are met because Defendants assisted and aided Defendant Sting Ray Salgado in the commission of the sexual assault on Plaintiff by allowing him access to Plaintiff.

7.04. Further, provisions of Tex. Pen. Code Ann. § 7.02(a)(3) are met because Defendants had a duty to prevent the sexual assault of Plaintiff. Defendant knew or should have known of Defendant Sting Ray Salgado's sexual misconduct yet, despite that knowledge, did not terminate him but placed him in environments where he could prey upon vulnerable women like Plaintiff.

7.05. 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 Defendants not only tolerated it, they aided and abetted Defendant Sting Ray Salgado in acquiring more victims. Plaintiff would show that Defendants recklessly tolerated and allowed the conduct of Sting by failing to report him to the Texas Department of Licensing and Regulations for massage therapists and are therefore subject to punitive damages in this matter.

7.06. Plaintiff incorporates by reference the facts and allegations asserted above regarding Defendants' negligence. Each and all of the foregoing negligent acts and omissions, taken singularly or in combination, constitute grossly negligent conduct on the part of Defendants in that such conduct, when viewed objectively from the standpoint of Defendants at the time of its occurrence, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others and of which Defendants had actual, subjective awareness of risk involved, yet nevertheless proceeded with conscious indifference to the rights, safety, and welfare of Plaintiff.

7.07. As a direct and proximate result of the gross negligence of Defendants, Plaintiff suffered harm, injuries, losses, and damages. She is further entitled to exemplary damages in an amount within the jurisdictional limits of this Court for which Plaintiff also brings suit. In assessing an award of punitive damages, the jury should also take into account the net worth of Defendants.

## **VIII. DAMAGES FOR PLAINTIFF**

8.01. As a result of this occurrence, Plaintiff, Jane Doe 115 has suffered physical and mental injuries and damages. Plaintiff has suffered and seeks the following damages:

- a. Medical Expenses: Plaintiff has incurred medical and counseling expenses in the past and will continue to incur medical and counseling expenses in the future. These expenses were incurred for reasonable and necessary care and treatment of these injuries. The charges incurred are reasonable and were the usual and customary charges for the same or similar services at the time and place rendered. Plaintiff also

- expects to incur medical and counseling expenses in the future in an amount within the jurisdictional limits of this Court;
- b. Physical Pain and Suffering: Plaintiff has endured severe physical pain and suffering in the past and will continue to endure severe physical pain and suffering in the future;
- c. Mental Anguish: Plaintiff has endured severe mental anguish in the past and will continue to endure severe mental anguish in the future;
- d. Physical Impairment: Plaintiff has suffered physical impairment in the past and will continue to suffer physical impairment in the future; and
- e. Lost Wages: Plaintiff has suffered lost wages in the past and will continue to suffer lost wages in the future.
- f. Plaintiff seeks exemplary damages based on Defendants' gross negligence.
- g. As a result of the above, Plaintiff seeks damages within the jurisdictional limits of the Court for which she seeks recovery from Defendants, jointly and severally.

#### **IX.**

#### **CLAIM FOR PRE-JUDGMENT AND POST JUDGMENT INTEREST**

9.01. Plaintiff claims interest in accordance with § 304.104, et seq., Texas Finance Code and any other applicable law.

#### **X.**

#### **REQUESTS FOR DISCLOSURE**

10.01. Pursuant to Tex. R. Civ. P. 194, Plaintiff requests that Defendants disclose, within 50-days of service of this request, the information or material described in Rule 194.2 of the Texas Rules of Civil Procedure.

#### **XI.**

#### **ALTERNATIVE CLAIMS FOR RELIEF AUTHORIZED**

11.01 Plaintiff intends to exercise her right to plead multiple causes of action in *Plaintiff's Original Petition* and to invoke the right of disparate pleadings as set forth in Texas Rule of Civil

Procedure 48. Where, in this pleading or any supplemental pleadings, the statement of claims vary, they are to be construed as alternative claims for relief. No claim for relief shall be construed as waived or abandoned where it is otherwise contradicted in whole or in part in another portion of Plaintiff's pleading.

**XII.**  
**REQUEST FOR PRODUCTION**

12.01 Defendant **GOVSAN HOLDINGS L.L.C., doing business as MASSAGE ENVY SPA MONTGOMERY PLAZA**, is requested to produce the following materials within fifty (50) days of service of this *Plaintiff's Original Petition* as they relate to Sting Ray Salgado, unless otherwise specified:

- a. The personnel and/or employment file of Sting Ray Salgado;
- b. Reports from anyone referring or concerning Sting Ray Salgado and sexual misconduct;
- c. Statements of Sting Ray Salgado concerning the incident(s) made the basis of this lawsuit;
- d. Reports to or from any law enforcement concerning complaints of sexual misconduct by Sting Ray Salgado;
- e. The franchise agreement between **GOVSAN HOLDINGS L.L.C., doing business as MASSAGE ENVY SPA MONTGOMERY PLAZA** and Message Envy Franchising LLC;
- f. Articles of Incorporation for **GOVSAN HOLDINGS L.L.C., doing business as MASSAGE ENVY SPA MONTGOMERY PLAZA**; and
- g. Any other reports of sexual misconduct by massage therapists at Message Envy Spa, Montgomery Plaza, Fort Worth, Texas.

**XIII.**  
**NOTICE PURSUANT TO T.R.C. P. 193.7**

13.01 Plaintiff provides notice to Defendants pursuant to Rule 193.7 of the Texas Rules of Civil Procedure that Plaintiff may utilize as evidence during the trial of this lawsuit all documents exchanged by the parties in written discovery.

**XIV.**  
**SPOILIATION OF DOCUMENTS & EVIDENCE**

14.01. Defendants are hereby given notice that any document or other material, including electronically stored information, that may be relevant to any issue in this case is to be preserved in its present form until this litigation is concluded. Plaintiff alleges that to the extent Defendants have intentionally and/or negligently destroyed documents and other evidence pertinent to this case, Jane Doe 115 requests the court issue proper sanctions, including an instruction to the jury presuming all things are against the Defendant (*omnia praesumuntur contra spoliatorem* — all things are presumed against a despoiler).

**XV.**  
**DEMAND FOR JURY TRIAL**

15.01 Plaintiff, Jane Doe 115 hereby demands that a jury of her peers be empaneled to hear and decide the issues presented in this case.

**XVI.**  
**PRAYER**

**WHEREFORE PREMISES CONSIDERED**, Plaintiff, Jane Doe 115, respectfully prays that the Defendants be cited to appear and answer herein and that, upon a final hearing of the cause, judgment be entered for the her against Defendants jointly and severally for damages in an amount within the jurisdictional limits of the Court together with pre-judgment interest (from the date of

injury through the date of judgment) at the maximum rate allowed by law, post-judgment interest at the legal rate, costs of court, and such other and further relief to which the Plaintiff may be justly entitled, at law or in equity.

**RESPECTFULLY SUBMITTED,**

**TAHIRA KHAN MERRITT P.L.L.C.**

By: /s/ Tahira Khan Merritt  
Tahira Khan Merritt  
State Bar No. 11375550  
Tahira Khan Merritt, PLLC  
8499 Greenville Ave., Suite 206  
Dallas, Texas 75231-2424  
(214) 503-7300 Telephone  
(214) 503-7301 Facsimile  
tahira@tkmlawfirm.com

**ATTORNEY FOR PLAINTIFF JANE DOE 115**