

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

ELIZABETH WILLIAMS,

Plaintiff,

v.

WILLIAM P. RAMEY and  
RAMEY & SCHWALLER, LLP

Defendants.

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IN THE DISTRICT COURT

OF HARRIS COUNTY, TEXAS

\_\_\_\_ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Plaintiff, ELIZABETH WILLIAMS, complaining of Defendants WILLIAM P. RAMEY, III, and RAMEY & SCHWALLER, LLP, and for cause of action would show this Court as follows:

**I.**

**DISCOVERY**

1. Plaintiff intends to conduct discovery in this matter in accordance with Level 3 of the Texas Rules of Civil Procedure, Rule 190.

**II.**

**THE PARTIES**

2.1. Plaintiff, ELIZABETH WILLIAMS, is an individual who resides in the state of Michigan.

2.2. Defendant, WILLIAM P. RAMEY, III, is an individual who resides in Houston, Harris County, Texas and may be served with process at his place of employment, Ramey & Schwaller, LLP, at the following address: 5020 Montrose Blvd., Suite 750, Houston, Texas 77006, or wherever he may be found.

2.3. Defendant RAMEY & SCHWALLER, LLP, does not have a registered agent listed with the Texas Secretary of State, but may be served with process upon its managing partner William P. Ramey, III, at its office address: 5020 Montrose Blvd., Suite 750, Houston, Texas 77006.

### **III.**

#### **JURISDICTION AND VENUE**

3.1. The amount in controversy exceeds the minimum jurisdictional limits of this Court. Venue is proper in Harris County pursuant to Chapter 15 of the Texas Civil Practice and Remedies Code in that all or a substantial part of the events or omissions giving rise to the claim occurred in Harris County, Texas.

### **IV.**

#### **CONDITIONS PRECEDENT**

4.1. All conditions precedent to maintain this lawsuit and claim for damages have been performed or have occurred.

### **V.**

#### **FACTS**

5.1. Plaintiff, Elizabeth Williams, began working for Defendant Ramey in 2010 as his paralegal while they were both employed at the law firm Novak & Druce in Houston, Texas.

Defendant Ramey left Novak & Druce sometime in late 2010. Plaintiff left Novak & Druce to work for Ramey at his firm, Ramey & Browning (which later became Defendant Ramey & Schwaller, LLP), in October 2011. She reported directly to Defendant Ramey, the firm's managing partner. Plaintiff and Defendant Ramey worked very closely together on the firm's patent prosecution and litigation matters. They went to lunch together and often worked late at the office together, sometimes with other lawyers at the firm and sometimes just the two of them. They also began traveling together on litigation matters in January 2017. As the firm grew, in October 2017 a new Litigation Paralegal was hired, who was eventually replaced in April 2018 with Vicki Kubitskey ("Kubitskey"), and Plaintiff was then in charge of the patent prosecution practice and began reporting more to Dr. Melissa Schwaller.

5.2. In or around September 2017, after a lunch meeting at a restaurant near the firm's office, Defendant Ramey propositioned Plaintiff for sex while the two of them were sitting in Defendant Ramey's car in the office parking garage. He said to her: "would you give me a blow job?" Plaintiff declined, and the two of them did not speak of the incident again. Plaintiff informed Dr. Melissa Schwaller, a name partner in the law firm of Ramey & Schwaller, LLP, of the incident in early 2018, during a conversation in which they also discussed Mr. Ramey's inappropriate behavior, including propositioning Dr. Schwaller, and the affair he had had with a former employee of the firm.

5.3. During the middle of 2018, Plaintiff was going through divorce proceedings, and her divorce was finalized in August 2018. She made Defendant Ramey aware of that fact, as Defendant Ramey had previously socialized with Plaintiff and her ex-husband outside of work.

5.4. On or about September 20, 2018, Defendant Ramey indicated at a firm meeting that Plaintiff and Kubitskey would be switching roles, and Plaintiff would then again become the sole litigation paralegal. On September 28, 2018, approximately a year after first propositioning Plaintiff for sex, Defendant Ramey again sought sex from Plaintiff, but this time he would not accept her refusal. On the day of the 28th, at Defendant Ramey's suggestion, Plaintiff and Defendant Ramey went to a working lunch together where the two drank wine while getting Plaintiff caught up on an upcoming trial scheduled for the week after Thanksgiving. They returned to the office at approximately 5:30pm and continued to work in the conference room in the office until approximately 7:00pm. While in the conference room, Defendant Ramey proceeded to give Plaintiff straight rum. At approximately 7:00pm, Defendant Ramey began sharing some personal details with Plaintiff, which elicited a sympathetic response from Plaintiff. Defendant Ramey then began turning off the conference room light. Each time Plaintiff turned the light back on, Defendant Ramey turned it back off. Plaintiff would turn on the light when Defendant Ramey left the room, but he would turn it off when he returned.

5.5. Plaintiff believes that, at some point during the evening, Defendant Ramey drugged her, as she blacked out after Defendant Ramey disclosed personal details and repeatedly tried to keep the lights off, and she only recalls pieces of the events that took place after she initially blacked out. Plaintiff recalls that Defendant Ramey attempted to force himself on her and demanded that she have sex with him while they were in the conference room. Defendant Ramey was insistent. He lowered his pants and underwear, exposing his erect penis to Plaintiff. Plaintiff physically fought Mr. Ramey off with her hands and tried to get away. Defendant Ramey overpowered Plaintiff and pinned her in the chair in which she was sitting by placing his

legs in between hers and squeezing, so as to prevent Plaintiff from leaving. He held Plaintiff down and tried to force her to perform oral sex on him by placing his hand on the back of her head and forcing her down on his erect penis. Plaintiff struggled to escape and yelled at Defendant Ramey, but he continued to maintain physical power over her.

5.6. Plaintiff does not recall how she got away from Defendant Ramey, but she woke up at approximately 1:15am on the floor in a stall of the women's restroom located in the hallway just outside of the entrance to the firm. Her face was bloody, bruised, and she was missing her watch and one earring. In their struggle, Defendant Ramey caused Plaintiff to suffer second degree burns to her face consistent with her having been dragged, as well as bruising on both sides of her body and defensive wounds on her arms. See Exhibit 1. Plaintiff had managed to get away from Defendant Ramey and locked herself in the bathroom. See Exhibit 2.

5.7. Plaintiff wiped her face, exited the bathroom and attempted to enter the office. The office was locked. Plaintiff did not have her purse, office/car keys, or cell phone, as they were locked in the office. Plaintiff had brought her dog to work that day, and her dog was outside the office. At first, Plaintiff was not sure what to do so she decided to sleep on the couch in the foyer outside the office. Plaintiff then decided to try and reach Defendant Ramey. As Plaintiff did not have her cell phone and did not know the phone numbers of anybody who could unlock the office door except for Defendant Ramey, Plaintiff had no choice but to call him. Plaintiff repeatedly called Defendant Ramey's cell phone from the phone located in the kitchen of the office suite. There was no answer.

5.8. A short time after Plaintiff began calling Defendant Ramey's cell phone, Plaintiff's dog barked at someone entering the office suite. It was the woman who cleans the

building. Plaintiff approached the woman, informed her that she had been locked out of the office, and requested that she unlock the office door. The woman did unlock the door, and Plaintiff was then able to obtain her purse, office/car keys, and cell phone and go home.

5.9. Plaintiff called her friend in Michigan, Jason Henry, and explained what had happened. Mr. Henry insisted she call the police. Plaintiff looked up the closest location of the Houston Police Department on the internet, which was on Montrose Blvd., and called the number. Nobody answered. Plaintiff took multiple pictures (Exhibit D) and texted them to Mr. Henry and went to sleep.

5.10. Defendant Ramey began calling and texting Plaintiff soon after Plaintiff got home. His first text was sent at 3:07am and he left a phone message at 4:20am. He informed her that he had her watch. In texts that morning, he asked her "How bad is your face? I am concerned." He then told her, "Hey I am sorry I am a bad example." Plaintiff's injuries began to inflict a tremendous amount of pain, and Plaintiff went to the emergency room for treatment on Saturday afternoon, September 29, 2018.

5.11. Defendant Ramey's texts continued the next day, Sunday, September 30, 2018, and he tried to meet with her. When Defendant Ramey texted, "I need some help piecing together what happened," and asked her to meet him at the office that day, Plaintiff responded, "I would rather not." Defendant Ramey responded, "what happened. I have no memory. You are my best friend. I drank so much my best friend was hurt." Plaintiff refused all of his phone calls. Later that day, he texted her, "also I am very worried as I have no memory of Friday after I told you about my issue."

5.12. On Monday, October 1, 2018, Plaintiff spoke with Defendant Ramey once as she knew that he was driving with another partner of the firm, Mr. Craig Buschmann, to a client visit out of state. Again, Defendant Ramey tried to arrange a meeting with Plaintiff by asking her to have lunch with him on Tuesday. Because Defendant Ramey was on speaker phone in the car with Mr. Buschmann, Plaintiff agreed. Plaintiff also made a second trip to the emergency room on Monday because of continuous nose bleeding. Defendant Ramey also continued texting her. When she informed him by text message that she was in the emergency room waiting to take a CT scan, Mr. Ramey texted her: "Holy shot [*sic*]... This is not right. . . . I feel so bad."

5.13. The following day, Tuesday, October 2, Defendant Ramey's texts to Plaintiff began at 6:28am. "I feel horrible. I am so sorry. It should go without saying but I will personally reimburse you for any expenses. As a boss, I was a bad example. I feel terrible." Plaintiff informed Defendant Ramey that she would not be having lunch with him. Out of the many texts, she responded to only the work-related texts. His texts continued. "I am terrified because I have no memory for 3 hours that day," followed by "I was not a good friend. I cannot even remember that you were hurt. God . . . . I have a drinking problem. . . . I am so sorry."

5.14. Defendant Ramey again tried to arrange a meeting with Plaintiff on the very day he was to leave for an overseas trip to climb Mt. Everest. Plaintiff did not respond any further or agree to meet.

5.15. Defendant Ramey later texted: "I have placed a \$10000 check in your top middle drawer to cover your medical expenses." Plaintiff did not respond and did not return to the office. She has not been back to Ramey & Schwaller, LLP since the attack and is no longer employed there.

## VI.

### CAUSES OF ACTION

#### Count One

##### **Assault, Sexual Assault & Battery**

6.1. Plaintiff sues all Defendants for the wrongful and offensive acts committed against her person by Defendant Ramey while in the course and scope of his employment and as a partner in the law firm of Ramey & Schwaller, LLP. On such occasions, Defendants intentionally and knowingly caused physical contact of a sexual nature with the Plaintiff that Defendant Ramey knew or reasonably should have believed that Plaintiff would regard as offensive or provocative. Defendant Ramey further committed acts that placed Plaintiff in apprehension of imminent physical, violent sexual contact, when Defendants knew or should have known that such conduct and physical, sexual contact would be offensive to her. Defendant Ramey further intentionally and knowingly made physical and sexual contact with Plaintiff when he knew or should have reasonably believed that such contact would be offensive to her.

6.2. The acts and/or omissions of Defendants, as set forth above, caused Plaintiff to suffer damages in an amount that exceeds the minimum jurisdictional limits of the Court.

#### Count Two

##### **Intentional Infliction of Emotional Distress**

6.3. Plaintiff asserts that Defendants' actions, constituting extreme and outrageous conduct, were intentional and reckless, and had the purpose of causing emotional distress of a severe nature to her. Defendants' actions caused Plaintiff mental as well as physical pain. As a



result of Defendants' conduct, Plaintiff has suffered damaged in amounts which exceed the minimum jurisdictional requirements of this Court.

### **Count Three**

#### **Invasion of Privacy**

6.4. Plaintiff re-alleges and incorporates by reference the allegations made above.

6.5. Through the conduct described above on September 28, 2018, Defendant Ramey made an intentional intrusion upon Plaintiff's solitude, seclusion, or private affairs or concerns, in a manner that would be highly offensive to a reasonable person, and as a result Plaintiff suffered both physical and emotional damages which exceed the minimum jurisdictional requirements of this Court.

### **Count Four**

#### **Negligence**

6.6. Defendant Ramey & Schwaller, LLP had a legal duty to Plaintiff to supervise Defendant Ramey with respect to his interactions with Plaintiff which transpired at the workplace, and to retain and train competent employees, specifically Defendant Ramey.

6.7. Defendant Ramey & Schwaller, LLP breached its legal duty to Plaintiff when it negligently supervised, retained, and trained Mr. Ramey after Plaintiff informed Melissa Schwaller about Mr. Ramey's sexual proposition. Ramey & Schwaller, LLP failed to conduct any investigation or take any remedial action despite being on notice of Mr. Ramey's sexually inappropriate conduct. Defendant Ramey & Schwaller LLP's negligence proximately caused Plaintiff's injuries.

## **VII.**

### **DAMAGES**

7.1. As a result of Defendant's conduct described above, Plaintiff is entitled to actual damages and economic damages, including for loss of wages, loss of earning capacity, loss of enjoyment of life, severe mental and emotional distress, and physical pain. Plaintiff suffered and continues to suffer severe physical and emotional harm as a result of Defendants' conduct. Plaintiff's damages are ongoing and at the time of the filing of this suit. Accordingly, Plaintiff cannot accurately specify the amount that Plaintiff will ultimately seek at trial. However, Rule 47, Texas Rules of Civil Procedure, requires Plaintiff to estimate a preliminary range of damages and accordingly, Plaintiff states that at this time this suit seeks monetary relief over \$1,000,000. Plaintiff reserves the right to seek a different amount at trial as the evidence so supports. Plaintiff additionally brings suit for expert fees and all costs associated with the prosecution of this action.

### **PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited to appear and answer herein, and, upon final trial, Plaintiff have Judgment against Defendants as requested above, and as follows:

1. Judgment against Defendants for all damages alleged in this petition;
2. Interest before and after Judgment at the highest rate provided by law, until paid;
3. Costs of suit; and
4. Such other and further relief to which Plaintiff may be justly entitled.

Respectfully submitted,

THE LAW OFFICES OF KELL A. SIMON  
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/s/ Kell A. Simon

Kell A. Simon

State Bar No. 24060888

ATTORNEY FOR PLAINTIFF

Unofficial Copy Office of Marilyn Burgess District Clerk