

NO. 20-DCV-270468

NANCY ALBRECHT  
Plaintiff,

V.

JONATHAN RAFAEL  
CONTRERAS,  
Defendant.

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IN THE DISTRICT COURT

Fort Bend County - 240th Judicial District Court

\_\_\_\_ JUDICIAL DISTRICT

OF FORT BEND COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**NOW COMES** Nancy Albrecht, hereinafter called Plaintiff, complaining of and about Jonathan Rafael Contreras, hereinafter called Defendant, and for cause of action would show unto the Court the following:

**I. DISCOVERY CONTROL PLAN LEVEL**

1. Plaintiff intends that discovery be conducted under Discovery Level 2.

**II. PARTIES AND SERVICE**

2. Plaintiff Nancy Albrecht is an Individual who resides in Fort Bend County, Texas. The last three numbers of Plaintiff's Texas driver's license number are [REDACTED]. The last three digits of her social security number are [REDACTED]

3. Defendant Jonathan Rafael Contreras is an Individual who is a resident of Fort Bend County, Texas, and may be served with process at his home at the following address: [REDACTED] Service of Defendant can be effected by personal delivery at his home address.

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

4. The subject matter in controversy is within the jurisdictional limits of this court.

5. Plaintiff seeks monetary relief over \$200,000 but not more than \$1,000,000.

6. This Court has jurisdiction over the parties because Defendant is a Texas resident.

7. Venue in Fort Bend County is proper in this cause per Texas Civil Practice and Remedies Code §15.017 mandatory venue provision because Plaintiff resided in Fort Bend County at the time of the accrual of the cause of action, and Defendant currently resides in Fort Bend County at the time of the filing of this suit.

### **IV. FACTS**

8. On the morning of January 18, 2018, at approximately 8:55 am, Defendant entered Parkway United Methodist Church in Sugar Land, Texas and dropped off his son at the preschool located on the church's premises. While he was in the building, at approximately 9:00 am, Defendant entered a co-ed bathroom that was used by preschool staff, parents, the general church public, and sometimes the preschool children. Inside the bathroom, Defendant taped a video camera under the free-standing sink. The video camera's lens faced the toilet. Defendant turned the camera on, crouched down in front of the sink to adjust the camera, then left the church preschool's premises with the camera recording. Defendant later told police that he intended to record preschool staff and

parents of the preschool children using the bathroom with the hidden video camera.

9. From the time that Defendant started recording until the camera was discovered that same day around noon, fourteen women used the bathroom. Plaintiff, who works at the preschool, was one of those women who used the bathroom while Defendant's camera was recording. Defendant videotaped Plaintiff's intimate area of her body without her consent, invading her privacy in a place that she believed was private.

10. After another female employee discovered the camera in the bathroom, church officials called the Sugar Land Police Department. The responding officer turned off the camera, removed it from the bathroom, and took it into evidence. Defendant returned to the preschool at pickup time to retrieve the video camera and he saw that it was gone.

11. Sugar Land Police Department investigators examined the video, capturing still images to use in the investigation. On January 24, 2018, Detectives Rutland and Lenganhan went to the preschool to speak with the staff about the unauthorized and secret videotaping. A preschool employee identified Defendant with 100% certainty, confirming that she saw Defendant exiting the bathroom on the afternoon of January 18, 2018, after picking up his son.

12. Sugar Land Police Department then arrested Defendant. Defendant confessed to placing the camera in the bathroom with the intention of secretly recording intimate body areas of the mothers and female preschool employees. Defendant confessed that he intended to go back to get the video camera so that he could watch the videos of the employees and those he had recorded. Defendant was charged and indicted in Fort

Bend County on multiple counts of Invasive Visual Recording, which is an Adult Felony.

The indictment states, in relevant part:

[I]n Fort Bend County, Texas, **Jonathan Rafael Contreras**, hereafter styled the Defendant, heretofore on or about **January 25, 2018**,

....

Count VII

did then and there, with intent to invade the privacy of Nancy Albrecht [*sic*], record by video a visual image of an intimate area, to wit: buttocks of the said Nancy Albrecht [*sic*] without the consent of the said Nancy Albrecht [*sic*] and with the reasonable expectation that the intimate area was not subject to public view . . . .

*See* Indictment, Cause No. 18-DCR-080952A at 2 (emphasis in original).

13. On August 19, 2019, Defendant pled guilty to Count VII, which was the Adult Felony of Invasive Visual Recording of Plaintiff Nancy Albrecht. Defendant is currently on probation for this felony.

14. As a result of Defendant's secret recording of Plaintiff, multiple people saw Plaintiff's private intimate areas of her body, including an unknown number of preschool staff, Sugar Land Police Department officers and investigators, Fort Bend County District Attorney's office prosecuting attorneys and staff, and Defendant's criminal defense attorney. As result of Defendant's willful and disturbing actions, Plaintiff has suffered emotional distress.

## **V. LIABILITY OF DEFENDANT**

### **A. Invasion of Privacy by Intrusion on Seclusion**

15. Privacy is generally defined as the right of a person to be left alone, to live a life of seclusion and to be free from unwarranted publicity. *Billings v. Atkinson*, 489 S.W.2d 858 (Tex. 1973). The elements for a cause of action for invasion of privacy by intrusion on seclusion include 1) the defendant intentionally intruded on the plaintiff's

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solitude, seclusion, or private affairs, 2) the intrusion would be highly offensive to a reasonable person, and 3) the plaintiff suffered injury as result of the defendant's intrusion.

16. Defendant admitted that he intentionally intruded on Plaintiff's private affairs by secretly recording her in the church's bathroom. This intrusion would be highly offensive to a reasonable person, and Plaintiff suffered emotional injury as a result of Defendant's intrusion.

**B. Intentional Infliction of Emotional Distress**

17. An individual is liable for the tort of Intentional Infliction of Emotional Distress if he 1) acted intentionally or recklessly; 2) the defendant's conduct was extreme and outrageous; 3) the conduct caused the plaintiff emotional distress; and 4) the emotional distress was severe. *Hoffmann--La Roche Inc. v. Zeltwanger*, 144 S.W.3d 438, 447 (Tex. 2004).

18. Defendant admits that he acted intentionally. Secretly recording a person undressing and going to the bathroom in a church's preschool restroom that is used by staff, parents, members of the public, and children, is extreme and outrageous. Defendant has caused Plaintiff emotional distress, and her distress was severe.

**VI. EXEMPLARY DAMAGES**

19. Defendant's acts described above, when viewed from the standpoint of Defendant's at the time of the act or omission, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to Plaintiff and others. Defendant had actual, subjective awareness of the risk involved in the above-described acts, but nevertheless proceeded with conscious indifference to the rights, safety, or

welfare of Plaintiff and others.

20. Based on the facts stated herein, Plaintiff requests exemplary damages be awarded to Plaintiff from Defendant.

#### **VII. DAMAGES FOR PLAINTIFF, NANCY ALBRECHT**

21. Invasion of privacy is a willful tort that constitutes a legal injury. Damages for mental suffering are recoverable without the need of showing actual physical injury in a case of willful invasion of the right of privacy. *See Billings*, 489 S.W. 2d 858. Likewise, the tort of Intentional Infliction of Emotional Distress allows for damages for mental anguish.

22. As a direct and proximate result of Defendant's willful acts made the basis of this lawsuit, Plaintiff Nancy Albrecht has incurred the following damages:

- A. Mental anguish in the past; and
- B. Mental anguish in the future.

23. By reason of the above, Plaintiff Nancy Albrecht suffered losses and damages in a sum within the jurisdictional limits of the Court and for which this lawsuit is brought.

#### **VIII. REQUEST FOR DISCLOSURE**

24. Under the authority of Texas Rule of Civil Procedure 194, Plaintiff requests that the Defendant disclose, within (50) days of service of this Plaintiff's Original Petition and Request for Disclosure, the information or material described in Rule 194.2.

## **IX. PRAYER**

**WHEREFORE, PREMISES CONSIDERED**, Plaintiff Nancy Albrecht respectfully prays that the Defendant be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for Plaintiff against Defendant for damages in an amount within the jurisdictional limits of the Court; exemplary damages, excluding interest, and as allowed by Sec. 41.008, Chapter 41, Texas Civil Practice and Remedies Code; 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 Plaintiff may be entitled at law or in equity.

Respectfully submitted,

Matthews & Jaasma, L.L.P.

/s/ Amy Jaasma

Amy Jaasma  
TX Bar No. 24012909  
amy@matthewsjaasma.com  
Lori Anne Matthews  
TX Bar No: 00793599  
lori@matthewsjaasma.com  
2245 Texas Drive, Suite 300  
Sugar Land, Texas 77479  
T: 713-320-6418

**ATTORNEYS FOR PLAINTIFF**