

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

AMANDA ZAWIERUSZYNSKI  
*Plaintiff*

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IN THE DISTRICT COURT

v.

\_\_\_ JUDICIAL DISTRICT

JOHN EDWARD MARKS, III and  
FREDDIE CHARLES DOUGLAS, JR.  
*Defendants*

BRAZORIA COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF THIS COURT:

NOW COMES AMANDA ZAWIERUSZYNSKI ("Plaintiff"), and files this Original Petition complaining of JOHN EDWARD MARKS, III and FREDDIE CHARLES DOUGLAS, JR., and would respectfully show this Court as follows:

**I.**

**DISCOVERY CONTROL PLAN**

1. Pursuant to Rule 190.1 and 190.4 of the Texas Rules of Civil Procedure, Plaintiff files this petition under a Level 3 Discovery Control Plan.

**II.**

**PARTIES**

2. Plaintiff, AMANDA ZAWIERUSZYNSKI, is an individual residing in Brazoria County, Texas.

3. Defendant, JOHN EDWARD MARKS, III, is an individual residing in Texas who may be served with process at 9 Palmero Way, Manvel, Texas 77578 or wherever he may be found.

*Service is requested at this time.*

4. Defendant, FREDDIE CHARLES DOUGLAS, JR., is an individual residing in Texas who may be served with process at 802 West Loop, #38, El Campo, Texas 77438 wherever

he may be found. *Service is requested at this time.*

**III.**  
**JURISDICTION**

5. This Court has jurisdiction of the subject matter of this lawsuit and the amount in controversy is above the minimum jurisdictional limits of this Honorable Court. Plaintiff seeks monetary relief over \$1,000,000.00.

**IV.**  
**VENUE**

6. Venue is proper as to Plaintiff's claims against Defendants in Brazoria County, Texas, pursuant to § 15.002(a)(1) of the Texas Civil Practice and Remedies Code because the events or omissions giving rise to the claims occurred in Brazoria County.

**V.**  
**FACTS**

7. On November 8, 2023 AMANDA ZAWIERUSZYNSKI was at the premises of Defendant JOHN EDWARD MARKS, III located at 9 Palmero Way, Manvel, Texas 77578.

8. Plaintiff ZAWIERUSZYNSKI was invited into the home where she was introduced to Defendant DOUGLAS by Defendant MARKS as his friend. Defendant MARKS placed a dark liquor beverage in front of Plaintiff ZAWIERUSZYNSKI, then he replaced it with a vodka cranberry.

9. Defendants moved their social gathering to the outside of the house near the pool, that is when Defendant MARKS brought out a significant amount of alcohol bottles and placed them near the Plaintiff while she was pacing her drink. Plaintiff indicated she was not much of a drinker and couldn't stay long and that she had only stopped by briefly.

10. Defendant DOUGLAS and MARKS were swimming in the pool when DOUGLAS started making inappropriate remarks about his wife for him to be having sex

with another woman and his wife finding out about him cheating again and spoke about divorce.

11. Plaintiff ZAWIERUSZYNSKI joined Defendants DOUGLAS and MARKS in the pool.

12. After Plaintiff ZAWIERUSZYNSKI got in the pool, she became uncomfortable when Defendant JOHN EDWARD MARKS, III suggested they swim naked in the pool. The Plaintiff declined and confirmed she was not going to swim naked. That is when Defendant MARKS started to swim near the Plaintiff and attempted to take the strap off and Plaintiff told MARKS to stop and stay away. As Plaintiff ZAWIERUSZYNSKI started to make her way from the pool to get out of the pool.

13. Suddenly and without warning, Defendant MARKS grabbed her and became aggressive. MARKS became aggressive and demanded that she take that fucking thing off referring to her one piece. MARKS began forcing her legs open to get off the one-piece bathing suit as he grabbed the strap off the tops of her bathing suit. Plaintiff ZAWIERUSZYNSKI fought MARKS, but MARKS overpowered her and forced her head under water.

14. At one point, Plaintiff was slammed against the pool. Defendant MARKS told DEFENDANT DOUGLAS to grab her bathing suit from her because Plaintiff ZAWIERUSZYNSKI would not let it go. Then, the Defendants played keep away with her bathing suit then Defendant MARK through the bathing suit out of his yard.

15. After forcibly removing her clothes, they refused to allow her to leave the pool and forced liquor down her throat, to the point she could not even hold her head up. They refused to allow her to put her clothes on.

16. Soon thereafter, Defendant began forcibly raping Plaintiff in the pool before forcibly raping her in the house.

17. Plaintiff got sick from the alcohol, emotional distress, and physical assault despite her attempts to pour drinks in the water and not drink any more alcohol that was being forced upon her, and despite her attempts to resist.

18. Plaintiff ZAWIERUSZYNSKI knew that she could not overpower them but still yelled for them to get off her.

19. Plaintiff ZAWIERUSZYNSKI was sexually assaulted by both Defendant, JOHN EDWARD MARKS, III and Defendant FREDDIE CHARLES DOUGLAS, JR. The sexual assault lasted from the evening of November 8, 2023, to the morning of November 9, 2023. Defendant MARKS and Defendant DOUGLAS grabbed ZAWIERUSZYNSKI and blocked her against her will to avoid her escaping.

20. At some point FREDDY CHARLES DOUGLAS, JR. asked JOHN EDWARD MARKS, III if Plaintiff was alright, Defendant MARKS replied don't worry about it because MARKS was going to delete the footage from his security camera.

21. Plaintiff could not see an escape from his back yard. Plaintiff ZAWIERUSZYNSKI wanted to go home but MARKS demanded that Plaintiff go inside and shower. When Plaintiff ZAWIERUSZYNSKI entered the house, Defendant MARKS continued to rape her at least three more times that night, getting more violent even as she fought to try and keep him off.

22. MARKS forced Plaintiff's legs behind her head and raped her harder each time, telling her that she disrespected him and that she was going to do his boy again. She begged to be let go while raw and in pain from the sexual assault and rape.

23. Plaintiff tried to get up and leave but he refused to let her leave the room, at one point saying where you think you're going. Every time Plaintiff tried to or did put her clothes back on he demanded she remove her clothes. When she refused, he tore them off and raped her again.

24. MARKS then told Plaintiff to spit to lubricate herself because she was so raw from the repeated sexual assault. Plaintiff tried to kick him as hard as she could, and MARKS responded by raping her harder. Plaintiff repeatedly said no and tried to escape, only able to leave that next morning and escape.

25. The acts and sexual abuse at the hand of Defendant, JOHN EDWARD MARKS, III and Defendant FREDDIE CHARLES DOUGLAS has caused serious psychological and physical damage to AMANDA ZAWIERUSZYNSKI and has required medical care in the past and will likely require medical care in the future. She has permanent physical scarring and continued for months with vaginal bleeding and damage internally, in addition to extensive bruising and marking across her body. She has required surgical intervention from the repeated sexual assault and rape. She has further required extensive physical and mental treatment as a result of Defendants' actions.

26. These acts are not an isolated incident nor is Plaintiff the only victim of the sexual assault and acts committed by Defendants. Upon information and belief, correspondences exist between the Defendants of whether or not Defendants will "turn her out" and Defendant DOUGLAS asked Defendant MARKS if her was going to "bleed her" related to another woman they had plans to rape together.

**VI.**  
**CAUSES OF ACTION - DEFENDANT, JOHN EDWARD MARKS, III AND**  
**DEFENDANT FREDDIE CHARLES DOUGLAS**

**A. SEXUAL ASSAULT**

27. Plaintiff realleges and incorporates by reference the allegations contained in the previous paragraphs.

28. The Defendants intentionally or knowingly caused physical sexual contact and/or penetration without consent.

29. Defendant, JOHN EDWARD MARKS, III and Defendant FREDDIE CHARLES DOUGLAS, both assaulted and sexual assaulted AMANDA ZAWIERUSZYNSKI, A MINOR. Under Texas law, the elements of assault and further an invasion of privacy rights and the civil torts of the same. Defendant, JOHN EDWARD MARKS, III and Defendant FREDDIE CHARLES DOUGLAS, conduct as alleged above constitutes sexual assault and is actionable under the laws of Texas.

30. Defendant, JOHN EDWARD MARKS, III and Defendant FREDDIE CHARLES DOUGLAS, committed sexual assault upon Plaintiff. As described above, Defendant, JOHN EDWARD MARKS, III and Defendant FREDDIE CHARLES DOUGLAS, intentionally and knowingly forced Plaintiff, AMANDA ZAWIERUSZYNSKI, to have sexual intercourse with him who was a minor and therefore incapable of consenting to such acts.

31. Defendant, JOHN EDWARD MARKS, III and Defendant FREDDIE CHARLES DOUGLAS's, sexual assault upon Plaintiff caused injury, pain, damage, loss, and/or harm.

**B. AGGRAVATED SEXUAL ASSAULT**

32. Plaintiff realleges and incorporates by reference the allegations contained in the previous paragraphs.

33. The Defendants violently, intentionally and/or knowingly caused physical sexual contact and/or penetration without consent.

34. Defendant, JOHN EDWARD MARKS, III and Defendant FREDDIE CHARLES DOUGLAS, committed aggravated sexual assault upon Plaintiff, AMANDA ZAWIERUSZYNSKI. She alleges both the invasion of privacy rights and the civil tort of assault and battery. Defendant, JOHN EDWARD MARKS, III and Defendant FREDDIE CHARLES DOUGLAS's, conduct as alleged above constitutes sexual assault and is actionable under the laws of Texas.

35. The violence and repeated nature of these acts, including physical violence and threats of violence, after getting her dangerously intoxicated and forcing her to have sex against her consent and against her will constitute the aggravated nature of the assaults.

### **C. ASSAULT & BATTERY**

36. Plaintiff realleges and incorporates by reference the allegations contained in the previous paragraphs.

37. Defendants unlawful physical contact with Plaintiff without her consent and act of causing apprehension of imminent harmful and/or offensive contact constitutes assault and battery.

38. The acts committed by Defendant, JOHN EDWARD MARKS, III and Defendant FREDDIE CHARLES DOUGLAS, against Plaintiff herein constitute assault and battery, actionable under the laws of Texas.

39. Defendant, JOHN EDWARD MARKS, III and Defendant FREDDIE CHARLES DOUGLAS, committed nonconsensual acts and nonconsensual sexual assault and touching that resulted in harmful and offensive contact with Plaintiff.

40. Specifically, Defendant, JOHN EDWARD MARKS, III and Defendant FREDDIE CHARLES DOUGLAS, committed acts that caused injury to Plaintiff by subjecting her to an imminent battery and/or intentional invasions of her rights to be free from offensive and harmful contact, and said conduct demonstrated that Defendant, JOHN EDWARD MARKS, III and Defendant FREDDIE CHARLES DOUGLAS, had a present ability to subject Plaintiff to an immediate, intentional, offensive, and harmful touching.

41. Defendant, JOHN EDWARD MARKS, III and Defendant FREDDIE CHARLES DOUGLAS, assaulted and battered Plaintiff by nonconsensual touching and rape.

42. Plaintiff did not consent to the contact, which caused injury, pain, damage, loss, and/or harm.

**D. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

43. Plaintiff AMANDA ZAWIERUSZYNSKI incorporates each of the foregoing paragraphs as if they were fully set forth herein;

44. Defendant, JOHN EDWARD MARKS, III and Defendant FREDDIE CHARLES DOUGLAS, acted intentionally and recklessly;

45. The conduct was extreme and outrageous;

46. The actions of Defendant, JOHN EDWARD MARKS, III and Defendant FREDDIE CHARLES DOUGLAS, caused Plaintiff emotional distress; and

47. The emotional distress suffered by the Plaintiff was severe.

**E. FALSE IMPRISONMENT AND WILLFUL DETENTION**

48. The defendants acted intentionally and/or with willful disregard in detaining Plaintiff, forcing her for the duration of an entire night to be confined to defendant's property for the purpose of repeatedly raping her. This willful detention includes physical restraint and forcing



Plaintiff to remain in the bedroom, threats of physical violence, acts of physical violence, and coercion that limited her freedom of movement. The entire time of the detention, Plaintiff was aware of her confinement at the time it occurred, and believed she would die that night from the actions of defendants and detention itself. She has suffered extreme physical, emotional and economic damages from the false imprisonment, and believed she would die the night it happened.

49. The detention was without consent of Plaintiff.

50. The detention was without legal authority or justification.

#### **F. CONSPIRACY**

51. Plaintiff further alleges a cause of action for civil conspiracy against the above-named defendants. Specifically, Plaintiff alleges the following elements:

- a. a combination of two or more persons, Defendant, JOHN EDWARD MARKS, III and Defendant FREDDIE CHARLES DOUGLAS;
- b. the persons seek to accomplish an object or course of action, specifically to rape, false imprisonment, sexual assault, assault, and battery of Plaintiff;
- c. the persons reach a meeting of the minds on the object or course of action on how to accomplish the rape, assault, battery, false imprisonment, and sexual assault, including how to lure her into their trap, get her drunk, and prevent her from being able to leave as they raped her repeatedly; and
- d. one or more unlawful, overt acts, including rape, battery, false imprisonment, sexual assault, and assault, are taken in pursuance of the object or course of action; and
- e. damages occurred as a proximate result, which include mental anguish, past and future, physical impairment, past and future, pain and suffering, past and

future, disfigurement, past and future, and economic damages, past and future.

**G. NEGLIGENCE AND NEGLIGENCE PER SE**

52. In the alternative, Plaintiff alleges negligence and negligence per se against both Defendants. Defendants failed to act as reasonably prudent person in the same or similar circumstances would in their position, and their acts and/or omissions are the direct and proximate cause of Plaintiff's actual injuries, both physical and mental injuries and resulting in her actual damages.
53. The Defendants owed a legal duty to the Plaintiff, including a duty to provide a safe environment and/or to prevent foreseeable harm. Both Defendants had a duty to avoid causing harm to others they breached.
54. The injury Plaintiff suffered was a foreseeable result of the Defendant's actions.
55. DOUGLAS had a duty to prevent MARKS from the continued assaults and rape that MARKS perpetrated through the remained of the night and morning and breached his duty regarding the same.
56. Both Defendants caused Plaintiff harm due to carelessness or a failure to act.
57. Defendants overserving and/or forcibly making Plaintiff drink alcohol created unreasonable conditions and/or were actions in which they acted unreasonably and without prudence of a normal person in removing her ability to be able to give any consent.
58. Providing alcohol to an incapacitated person serves a basis of negligence per se.

**VII.  
EXEMPLARY DAMAGES**

59. Plaintiff realleges and incorporates by reference the allegations contained in the previous paragraphs.

60. Defendants' acts or omissions which when viewed objectively from the standpoint of Defendants at the time of their occurrence involved an extreme degree of risk

considering the probability and magnitude of the potential harm to others, such as Plaintiff.

61. Defendant, JOHN EDWARD MARKS, III and Defendant FREDDIE CHARLES DOUGLAS, conduct toward Plaintiff constitutes a reckless disregard for the rights of others and/or was the result of conscious indifference to the rights, welfare, and safety of others.

62. Accordingly, Plaintiff's injuries resulted from Defendants' gross negligence and/or malice, which entitles Plaintiff to exemplary damages under Texas Civil Practice & Remedies Code Section 41.003(a).

## **VII.** **DAMAGES**

63. As a result of the above acts and/or omissions of Defendants, Plaintiff sustained serious injuries and damages. Plaintiff brings this action for the following damages:

- a. Past and future physical pain and suffering of Plaintiff, and that which she will in all probability, suffer in the future;
- b. Past mental anguish of Plaintiff, and that which she will, in all probability, suffer in the future;
- c. The medical expenses that Plaintiff has incurred in the past and will, in all probability, continue to incur in the future;
- d. Disfigurement in the past and in the future, that which she will in all probability, suffer in the future;
- e. Impairment in the past and the future, that which she will in all probability, suffer in the future;
- f. Courts costs;
- g. Past and future lost wages and loss of earning capacity;
- h. Exemplary damages;
- i. Any and all other damages, both general and special, at law and in equity, to which Plaintiff may be justly entitled.

**VIII.**  
**JURY DEMAND**

64. Plaintiff respectfully demands a jury trial.

**IX.**  
**PRESERVATION OF EVIDENCE**

65. Plaintiff hereby requests and demands that Defendants preserve and maintain all evidence pertaining to any claim or defense related to the incident made the basis of this lawsuit, or the damages resulting therefrom, including photographs; videotapes; audiotapes; recordings; business or medical records; bills; invoices; checks; correspondence; memoranda; files; facsimiles; email; voice mail; text messages and any electronic image, data, or information related to Plaintiff, the referenced incidents, or any damages resulting therefrom. This includes messages, documents and/or communications not only related to Plaintiff but as to other women that this has been planned and/or perpetrated against. Failure to maintain such items will constitute spoliation of the evidence.

**X.**  
**NOTICE OF INTENT TO USE DOCUMENTS**

66. Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Plaintiff gives notice that she may use documents produced by all parties in response to written discovery at any pretrial proceeding in this case as well as at trial.

**XI.**  
**PRAYER**

67. WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited to appear and answer herein; that, upon final trial and hearing hereof, that Plaintiff recover damages from Defendants in accordance with the evidence; that Plaintiff recover interest to which she is justly entitled under the law, both prejudgment and post judgment;

that Plaintiff recover actual damages, costs of court, and such other and further relief, both general and special, both at law and in equity, to which she may be justly entitled.

Respectfully submitted,

**HARPER LAW FIRM**  
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