

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.:

IN ADMIRALTY

ESTHER MALONE

Plaintiff

vs.

CARNIVAL CORP.,
d/b/a CARNIVAL CRUISE LINES, INC.

Defendant.

COMPLAINT

COMES NOW, the Plaintiff, **ESTHER MALONE**, by and through undersigned counsel, and sues the Defendant, CARNIVAL CORP., d/b/a CARNIVAL CRUISE LINES, INC. and further states as follows:

GENERAL ALLEGATIONS

1. This is a cause of action which is brought in the District Court for the Southern District, Florida pursuant to 28 U.S.C. 1333 and the forum selection clause of Plaintiff's passenger cruise ticket with Defendant, Section 22. The cause of action is in excess of \$75,000.00. There is no diversity of citizenship. Plaintiff is a citizen and resident of resident of the state of Florida. This is a maritime cause of action.
2. Plaintiff has complied with all conditions precedent.

3. Defendant CARNIVAL CORP., d/b/a CARNIVAL CRUISE LINES, INC., is, upon information and belief, a foreign and/or Panamanian corporation, which is licensed to do business in Florida as a cruise line. Defendant's base of operations is in Miami, Dade County, Florida.

COUNT ONE-NEGLIGENCE

4. Plaintiff reavers and realleges paragraphs One through Three as if set forth herein.
5. On or about February 6, 2011, Plaintiff was an adult fare paying passenger on Defendant's vessel SENSATION. Defendant owned and/or operated the SENSATION on the aforesaid date.
6. At all times material Defendant owed Plaintiff a duty of reasonable care in the circumstances aboard its vessel.
7. Notwithstanding Defendant's duty as aforesaid, Defendant breached its duty by unreasonably:
 - a. Failing to properly maintain a passenger deck in a reasonably safe condition , and/or;
 - b. Failing to properly supervise employees so that a passenger deck would reasonably safe, and/or;
 - c. Failing to properly and safely warn Plaintiff of the dangers of

walking on a passenger deck, and/or;

d. Failing to properly and safely deliver luggage to passenger cabins on embarkation day, and/or;

e. Failing to have a sufficient numbers of crew members to do the task of delivering luggage to passenger cabins;

8. As a result of the foregoing, the Plaintiff was seriously injured when she was caused to trip and fall on luggage that had been strewn about the hallway of her cabin as she tried to make her way to the cabin after being told to go to her cabin by Defendant. Defendant has too few crew members to do the job assigned of safely delivering luggage to passenger cabins without creating tripping hazards for elderly or disabled passengers.

9. At all times material, the Defendant either created the dangerous conditions of which Plaintiff complains and/or the dangerous conditions existed for a sufficient period of time that Defendant had constructive knowledge of the dangerous conditions and/or Defendant had actual knowledge of the dangerous conditions

hereinbefore alleged in paragraph seven to have caused or contributed to causing Plaintiff's injury.

10. At all times material, Plaintiff acted with due care for her own safety.

11. At all times material hereto, Defendant was in direct control of the vessel where Plaintiff was injured.
12. As a result of the negligence of the Defendant as aforesaid, the Plaintiff was injured in and about her body and extremities and suffered pain, mental and emotional distress and anguish therefrom; incurred medical expense and physical handicap and a loss of the ability to enjoy life; suffered a a loss of earnings and loss of earning capacity, suffered an aggravation of a pre-existing condition, suffered a loss of enjoyment of the cruise. Said personal injuries are permanent and/or continuing in nature and the Plaintiff shall continue to suffer such losses and impairments in the future.

WHEREFORE, Plaintiff demands judgment from Defendant for damages, pre-judgment interest and costs.

DATED this 27th Day of May, 2011.

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