

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

ELISA VIOLETA ARCHIBOLD,

GENERAL JURISDICTION DIVISION

Plaintiff,

CASE NO.: 11-10119 CA 20

vs.

AZAMARA CLUB CRUISES,
and CELEBRITY CRUISES, INC.,

SUMMONS

Defendants.

LEGAL

Paul Haber
4-15-2011
11:25am

THE STATE OF FLORIDA:
To Each Sheriff of Said State:

6/20/11 to 01/10/12
4/11/11

YOU ARE HEREBY COMMANDED to serve this Summons and a copy of the Complaint, Interrogatories, Request for Production, and Request for Admissions and Motion for Immediate Inspection of Vessel and Access to Eye Witnesses in this action on Defendant:

CELEBRITY CRUISES, INC.

by serving
Mr. Bradley H. Stein
as Registered Agent
1050 Caribbean Way
Miami, Florida 33132

Each Defendant is required to serve written defenses to the Complaint on Plaintiff's attorney, to wit:

BRETT RIVKIND, ESQ.
RIVKIND & PEDRAZA, P.A.
SUITE 600 - CONCORD BUILDING
66 WEST FLAGLER STREET
MIAMI, FLORIDA 33130
Telephone (305) 374-0565

Within 20 days after service of this summons on that defendant, exclusive of the day of service, and to file the original of the defenses with the Clerk of this Court either before service on Plaintiff's attorney or immediately thereafter. If a defendant fails to do so, a default will be entered against that defendant for the relief demanded in the complaint.

DATED ON APR - 8 2011

HARVEY RUVIN,
as Clerk of said Court

By: TARON BETHEL
as Deputy Clerk

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

ELISA VIOLETA ARCHIBOLD,

GENERAL JURISDICTION DIVISION

Plaintiff,

CASE NO.:

11-10119CA20

vs.

AZAMARA CLUB CRUISES,
and CELEBRITY CRUISES, INC.,

Defendants.

THE ORIGINAL FILED
ON MAR 31 2011
IN THE OFFICE OF
CIRCUIT COURT DADE CO
CIVIL DIVISION

**COMPLAINT, DEMAND FOR JURY TRIAL WITH INTERROGATORIES,
REQUEST FOR PRODUCTION, REQUEST FOR ADMISSIONS,
AND MOTION FOR IMMEDIATE INSPECTION OF VESSEL AND
ACCESS TO EYE WITNESSES, ATTACHED**

Plaintiff, ELISA VIOLETA ARCHIBOLD, sues Defendants, AZAMARA CLUB
CRUISES and CELEBRITY CRUISES, INC., and alleges:

1. This is an action seeking damages in excess of the jurisdictional limits of the Circuit Court, in and for Miami-Dade County, Florida.
2. Defendants, at all times material hereto, personally or through an agent:
 - a. Operated, conducted, engaged in or carried on a business venture in this state and/or county or had an office or agency in this state and/or county.
 - b. Was engaged in substantial activity within this state.
 - c. Operated vessels in the waters of this state.
 - d. Committed one or more of the acts stated in Florida Statutes, Sections 48.081, 48.181 or 48.193.
 - e. The acts of Defendants set out in this Complaint occurred in whole or in part in this county and/or state.
3. Defendants are subject to the jurisdiction of the Courts of this state.
4. The causes of action asserted in this Complaint arise under the Jones Act, 46 U.S.C. § 30104, and the General Maritime Law of the United States.

5. At all times material hereto, Defendants owned, operated, managed, maintained and/or controlled the vessel, AZAMARA QUEST.

6. At all times material hereto, Plaintiff's employer was an agent of the shipowner and/or ship operator.

7. At all times material hereto, the Plaintiff was employed by and served as a seaman aboard Defendant's vessel, AZAMARA QUEST.

8. At all times material hereto, the Plaintiff was working aboard the Defendants' vessel, the AZAMARA QUEST, and was assigned numerous job tasks and activities which required this female crewmember to engage in constant bending, stooping, squatting, kneeling, and lifting of heavy items.

9. Plaintiff's job duties required her to be responsible for an excessive number of cabins, as well as her other numerous job tasks and duties. The Plaintiff required an assistant but none was provided to her. Instead, she had to perform all of the job tasks and assignments by herself, which required her to work long hours, seven days a week, with very little rest breaks. Her body was required to be put into risky positions in order to carry out all of the job tasks she had to do by herself. She had to lift and carry excessively heavy items. She had to twist her spine in order to accomplish the job tasks. She had to bend and lift very heavy objects and carry them. All of these tasks were made increasingly difficult by the fatigue associated with the long hours and numerous job tasks assigned of this one individual.

10. At all times material hereto, Plaintiff was performing all of the job tasks and duties that were required of her. In October of 2008, she was seeing the ship's physician, who was focusing on a problem with her chest area. However, the shoreside physician on October 22nd noted that she was having numbness and pain of the left arm for one week, and that an MRI performed showed she was suffering from a cervical herniated disc.

11. Following the shoreside physician diagnosing the Plaintiff with a herniated disc, she remained onboard the ship for some period of time, and the Defendants then sent her to Panama for medical care and treatment where the Defendants have made arrangements for medical care providers to provide medical care to the crewmembers at a negotiated and reduced price.

12. When the Plaintiff arrived in Panama, she was sent to a physician who after reviewing films and evaluating the Plaintiff declared that she was not a candidate for any type of surgery.

13. Defendants then sent the Plaintiff to another physician in Panama who recommended a laser type surgery to address two levels of the Plaintiff's cervical spine that this particular doctor felt needed surgical intervention.

14. The laser procedure was then performed on the Plaintiff at two levels of her cervical spine.

15. The Plaintiff did not improve following the laser type surgery and despite her continued complaints of neck and arm pain, the medical care providers selected and paid for by the Defendants declared the Plaintiff to be at maximum medical cure, and the Defendants did not follow up with any further medical evaluations or second opinions to verify this finding despite the continued complaints of the Plaintiff.

16. Plaintiff has consulted a Board Certified physician who has concluded that the Plaintiff should not have been found at maximum medical cure with her continued complaints, that her medical problems were not adequately addressed by the physicians in Panama.

17. The consulting neurosurgeon, who is Board Certified in the United States, has concluded that the Plaintiff had unnecessary surgery performed at one of the levels in her cervical spine, and that the laser type surgery performed at the other level in her cervical spine was inappropriate and adequate to address her problems.

18. The consulting neurosurgeon also has concluded that the Plaintiff has been wrongfully declared at maximum medical cure by the physicians in Panama, and needs further medical evaluation and treatment to address her continued complaints.

19. The Defendants have willfully, arbitrarily, and capriciously ignored the medical report sent to the Defendants setting forth the opinions of the consulting neurosurgeon, and has willfully, arbitrarily, and capriciously ignored all of the continued complaints of the Plaintiff, and instead has relied on the single opinion of a doctor in Panama who did the laser surgery. This doctor in Panama determined the Plaintiff to be at maximum medical cure and Defendants have accepted the opinion without any further investigation or consultations.

20. The Defendants have a crew medical department to oversee the medical care and treatment of the Plaintiff, and the Defendants often times seeks second opinions from physicians regarding recommended treatment for crewmembers.

21. The Defendants choose to get second opinions when a costly procedure is recommended, but when a physician determines a crewmember at maximum medical cure even though the crewmember continues to present significant complaints of concern, the Defendants do not seek second opinions regarding the maximum medical cure findings.

22. In this particular case, the Plaintiff received inappropriate surgery, and Defendants wrongfully terminated maintenance and cure benefits to the Plaintiff.

COUNT I
(Jones Act Negligence)

Plaintiff readopts and realleges paragraphs 1 through 22, and further alleges:

23. At all times material hereto, Plaintiff was employed by Defendants as a seaman and was a member of the vessel's crew. The vessel was in navigable waters.

24. It was the duty of Defendants to provide Plaintiff with a safe place to work and to provide prompt, proper and adequate medical care and treatment, including the duty to conduct pre-employment examinations in a non-negligent manner, and to not assign Plaintiff to job tasks beyond her physical capabilities.

25. On or about the above date, Plaintiff was injured due to the fault and negligence of Defendants, and/or their agents, servants, and/or employees as follows:

- a. Failure to provide a safe place to work by failing to provide the adequate tools and equipment in order for Plaintiff to perform her job tasks safely;
- b. Failure to provide a safe place to work by failing to conduct the operations in a reasonably safe manner in order to avoid the type of injury the Plaintiff suffered;
- c. Failure to provide a safe place to work by continuously assigning the Plaintiff, a female crewmember to job tasks, that required her to engage in activities which put her at risk for suffering a serious musculoskeletal injury;

- d. Failure to perform a proper ergonomics analysis of all the job tasks and studies;
- e. Failure to have a proper ergonomics program in place;
- f. Failure to properly supervise the Plaintiff;
- g. Failure to properly instruct the Plaintiff;
- h. Failure to provide adequate assistance to the Plaintiff;
- i. Failure to adequately determine that the job tasks and activities assigned to the Plaintiff could be safely performed by this particular Plaintiff without risk of significant injuries to her;
- j. By failing to promulgate and enforce adequate safety rules, including rules relating to lifting and carrying heavy items, which would guard against the significant risks associated with the job tasks and activities required of the Plaintiff ;
- k. Failure to provide a safe working environment;
- l. Failure to provide prompt, proper and adequate medical care and treatment;
- m. Failure to provide a safe place to work.

26. Defendants knew of the foregoing conditions causing Plaintiff's accident and injuries and did not correct them, or the conditions existed for a sufficient length of time so that Defendants in the exercise of reasonable care should have learned of them and corrected them.

27. As a result of the negligence of Defendants, the Plaintiff was injured about her body and extremities, suffered physical pain, mental anguish, loss of enjoyment of life, disability, disfigurement, inconvenience, aggravation of any previously existing conditions, incurred medical expenses in the care and treatment of her injuries, suffered physical handicap, lost wages in the past and her working ability has been impaired. The Plaintiff will continue to suffer lost earnings and loss of earning capacity. The injuries are permanent or continuing in nature, and Plaintiff will suffer all of the described losses and impairments in the future.

WHEREFORE, the Plaintiff demands judgment against the Defendants for compensatory damages, Court costs, and demands trial by jury.

COUNT II
(Unseaworthiness)

Plaintiff readopts and realleges paragraphs 1 through 22, and further alleges:

28. On or about the previously stated date, Plaintiff was a seaman and a member of the crew of Defendants' vessel, which was in navigable waters.

29. At all times material hereto, the vessel was owned, managed, operated and/or controlled by Defendants.

30. Defendants had the absolute nondelegable duty to provide Plaintiff with a seaworthy vessel.

31. At all times material hereto, the unseaworthiness of Defendants' vessel was a legal cause of injury and damage to Plaintiff by reason of the following:

- a. The vessel was unsafe and unfit due to the conditions created by Defendants' conduct stated in paragraph number 25, above.
- b. The vessel was not reasonably fit for its intended purpose;
- c. The vessel's crew was not properly trained, instructed, or supervised;
- d. The vessel did not have a fit crew;
- e. The vessel did not have a reasonably fit medical staff;
- f. The vessel did not assign adequate manpower for the tasks being performed;
- g. Failure to conduct proper job analysis and risk of harm analysis;
- h. The job methods and procedures were not reasonably fit for the intended purpose as it posed an unreasonable risk of injury;
- i. Failure to have proper medical equipment, facilities and staff;

- j. By having job tasks assigned to the Plaintiff which required her to utilize body mechanics that put her body at risk of injury;
- k. By requiring the Plaintiff to lift and carry excessive amounts of weights on a repetitive basis, which posed unreasonable risks of harm to the Plaintiff. As a result the job methods and procedures were not reasonably fit for their intended purposes;
- l. Failure to have proper procedures in place to ensure that Plaintiff was physically fit to return to work after being injured which aggravated Plaintiffs injuries and caused her additional pain and suffering.;
- m. Lack of adequate medical care;
- n. Finding Plaintiff fit for duty when she was not;
- o. The tools and manpower assigned to perform the task Plaintiff was required to perform were not fit for the intended purpose;
- p. Due to an unsafe working environment.

32. As a result of the unseaworthiness of the vessel, the Plaintiff was injured about her body and extremities, suffered physical pain, mental anguish, loss of enjoyment of life, disability, disfigurement, inconvenience, aggravation of any previously existing conditions, incurred medical expenses in the care and treatment of her injuries, suffered physical handicap, lost wages in the past and her working ability has been impaired. The Plaintiff will continue to suffer lost earnings and loss of earning capacity. The injuries are permanent or continuing in nature, and Plaintiff will suffer all of the described losses and impairments in the future.

WHEREFORE, the Plaintiff demands judgment against the Defendants for compensatory damages, Court costs, and demands trial by jury.

COUNT III

(Failure to Treat/ Inadequate Medical Care)

Plaintiff readopts and realleges paragraphs 1 through 22, and further alleges:

33. Defendants failed to promptly provide Plaintiff with prompt, proper, adequate and complete medical care. Defendants' failure contributed to Plaintiff suffering additional injury, pain, disability and/or prolonged Plaintiff's recovery.

34. As a result of the failure to provide prompt, proper and adequate medical care and treatment, the Plaintiff was injured about her body and extremities, suffered physical pain, mental anguish, loss of enjoyment of life, disability, disfigurement, inconvenience, aggravation of any previously existing conditions, incurred medical expenses in the care and treatment of her injuries, suffered physical and psychological injuries, which resulted in Plaintiff being handicapped, Plaintiff has lost wages in the past and her working ability has been impaired. The Plaintiff will continue to suffer lost earnings and loss of earning capacity. The injuries are permanent or continuing in nature, and Plaintiff will suffer all of the described losses and impairments in the future.

WHEREFORE, Plaintiff demands judgment against the Defendants for compensatory damages, including her past and future pain and suffering, mental anguish, physical and mental handicap and impairment, disfigurement, disability, inconvenience, aggravation of pre-existing conditions, lost wages in the past, loss of ability to earn money in the future, and loss of capacity for the enjoyment of life. Plaintiff also demands prejudgment interest, and trial by jury.

COUNT IV

(Failure to Provide Entire Maintenance and Cure)

Plaintiff readopts and realleges paragraphs 1 through 22, and further alleges:

35. At all times material hereto, Plaintiff, while in the service of the vessel as a crewmember was injured.

36. Under the General Maritime Law, Plaintiff, as a seaman, is entitled to recover maintenance and cure from Defendant, until he is declared to have reached maximum possible cure.

37. At all times material hereto, the Plaintiff received medical care and treatment from the physicians that were provided by the Defendants.

38. Defendants provided medical care to the Plaintiff in Panama because the doctors in Panama have a special agreement with the Defendants to provide medical services at very attractive and reduced rates for these Defendants.

39. Despite knowing that one doctor did not feel surgery was indicated and a second doctor performed surgery on the Plaintiff, and then Plaintiff did not improve thereafter, Defendants wrongfully terminated maintenance and cure benefits.

40. Defendants received a report from a consulting neurosurgeon and who is Board Certified in the United States which stated that the surgery was inappropriate and ineffective and that Plaintiff is not at maximum medical cure.

41. Despite knowing that the Plaintiff continues with significant symptomatology, and despite the medical history of the Plaintiff, as well as despite receiving the report of the consulting neurosurgeon, the Defendants have willfully, arbitrarily and capriciously failed to provide maintenance and cure to the Plaintiff.

42. Defendants' actions in running the crew medical department by seeking second opinions when costly procedures are recommended, but not seeking second opinions when a maximum medical cure declaration is made even though the medical facts and history support further investigation, can only be described as willful, arbitrary and capricious.

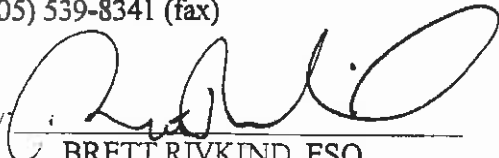
43. Defendants' action in this particular case in not providing the Plaintiff with further maintenance and cure is willful, arbitrary and capricious and done in bad faith.

34. Plaintiff has retained an attorney to enforce her maintenance and cure rights and remedy Defendants' breach of the maintenance and cure obligations.

WHEREFORE, Plaintiff demands judgment against Defendant for compensatory, damages, including attorney's fees, punitive damages, court costs, and interest as permitted by law. Plaintiff also demands trial by jury.

Dated this 31st day of March, 2011.

RIVKIND PEDRAZA & MARGULIES
Attorneys for Plaintiff
Concord Building - Suite 600
66 West Flagler Street
Miami, Florida 33130
(305) 374-0565
(305) 539-8341 (fax)

By 
BRETT RIVKIND, ESQ
FBN: 373486

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION

ELISA VIOLETA ARCHIBOLD,

CASE NO. 11-10119 CA 20

Plaintiff,

NOTICE OF HEARING

vs.

(Motion Calendar)

AZAMARA CLUB CRUISES and
CELEBRITY CRUISES INC.

Defendants

PLEASE TAKE NOTICE that a hearing on **Defendant's Motion for Extension of Time to Respond to Complaint and Motion to Stay Discovery**, in the above-styled cause, will be heard before the **Honorable Ronald Dresnick**, one of the Judges of the above-styled Court, at the Dade County Courthouse, 73 W. Flagler Street, Room 524, Miami, Florida on the 1st day of **June, 2011 @ 9:15 A.M.**, or as soon thereafter as same may be heard.

GOOD FAITH AFFIDAVIT

Undersigned counsel certifies that a bona fide effort to agree or to narrow the issues on the Motion noticed has been made with opposing counsel or that, because of time considerations, such effort has not as yet been made but will be made prior to the scheduled hearing.

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Notice was Facsimile and U.S. Mail on the 5 day of May, 2011, to: Brett Rivkind, Esq., RIVKIND PEDRAZA & MARGULIES, P.A., Concord Building, Suite 600, 66 West Flagler Street, Miami, FL 33130.

ROYAL CARIBBEAN CRUISES LTD.
Attorney for Defendant
1050 Caribbean Way
Miami, Florida 33132
Tel.: (305) 539-6000 Ext. 36327
Facsimile: (305) 539-8101

BY: 

RANDY GINSBERG
FLA. BAR NO. 185485

IN THE CIRCUIT COURT OF
THE 11TH JUDICIAL
CIRCUIT IN AND FOR
MIAMI-DADE COUNTY,
FLORIDA

ELISA VIOLETA ARCHIBOLD,

CIRCUIT CIVIL DIVISION

Plaintiff,

CASE NO. 11-10119-CA-20

vs.

AZAMARA CLUB CRUISES and
CELEBRITY CRUISES INC.,

Defendant.

**DEFENDANT'S MOTION FOR EXTENSION OF TIME TO RESPOND
TO COMPLAINT**

Defendant, AZAMARA CLUB CRUISES and CELEBRITY
CRUISES INC., by and through undersigned counsel,
respectfully requests this Court grant an extension
of time for Defendant to respond to Plaintiff's
Complaint.

1. A response to Plaintiff's Complaint is due
on May 5, 2011.

2. Defendant seeks an enlargement of time to
respond to the Complaint in order to permit

Defendant the opportunity to determine if this matter is arbitration eligible and whether Defendant will remove the matter to federal court.

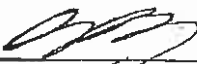
3. Defendant may be suffer prejudice by filing a responsive pleading at this point as certain federal court judges have deemed such action as a waiver to proceed in arbitration.

4. Defendant respectfully submits that this request is not for purposes of delay; rather, it is to determine whether that matter is arbitration eligible and whether the Defendant should remove the case to the United States District Court for the Southern District of Florida for the purposes of enforcing any applicable arbitration provision.

WHEREFORE, Defendant, AZAMARA CLUB CRUISES and CELEBRITY CRUISES INC., requests that this Honorable Court grant its Motion for Extension of Time and extend the deadline to respond to Plaintiff's Complaint.

Respectfully submitted,


AZAMARA CLUB CRUISES and
CELEBRITY CRUISES INC.
1050 Caribbean Way
Miami, Florida 33132
(305) 539-6000 Tel.
(305) 539-8101 Fax

By: 
RANDY S. GINSBERG
Fla. Bar No.: 185485

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy
of the foregoing was served via regular mail on May
5, 2011 to: Brett Rivkind, Esq., RIVKIND PEDRAZA &
MARGULIES, P.A., Concord Building, Suite 600, 66
West Flagler Street, Miami, Fl 33130

AZAMARA CLUB CRUISES and
CELEBRITY CRUISES INC.
1050 Caribbean Way
Miami, Florida 33132
(305) 539-6000 Tel.
(305) 539-8101 Fax

By: 
RANDY S. GINSBERG, ESQ.
Fla. Bar No.: 185485

IN THE CIRCUIT COURT OF
THE 11TH JUDICIAL
CIRCUIT IN AND FOR
MIAMI-DADE COUNTY,
FLORIDA

ELISA VIOLETA ARCHIBOLD,

CIRCUIT CIVIL DIVISION

Plaintiff,

CASE NO. 11-10119-CA-20

vs.

AZAMARA CLUB CRUISES and
CELEBRITY CRUISES INC.,

Defendant.

DEFENDANT'S MOTION TO STAY DISCOVERY

Defendant, AZAMARA CLUB CRUISES and CELEBRITY
CRUISES INC., by and through undersigned counsel,
respectfully requests this Court grant an Order
staying discovery and in support states as follows:

1. A response to Plaintiff's discovery is due
on May 30, 2011.

2. Defendant seeks to stay discovery in order
to permit Defendant the opportunity to determine if

this matter is arbitration eligible and whether Defendant will remove the matter to federal court.

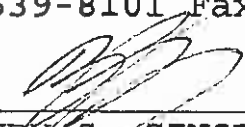
3. Defendant may be suffer prejudice by engaging in discovery at this point as certain federal court judges have deemed such action as a waiver to proceed in arbitration.

4. Defendant respectfully submits that this request is not for purposes of delay; rather, it is to determine whether that matter is arbitration eligible and whether the Defendant should remove the case to the United States District Court for the Southern District of Florida for the purposes of enforcing any applicable arbitration provision before engaging in discovery.

WHEREFORE, Defendant, AZAMARA CLUB CRUISES and CELEBRITY CRUISES INC., requests that this Honorable Court grant its Motion to Stay Discovery.

Respectfully submitted,

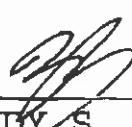
AZAMARA CLUB CRUISES and
CELEBRITY CRUISES INC.
1050 Caribbean Way
Miami, Florida 33132
(305) 539-6000 Tel.
(305) 539-8101 Fax

By: 
RANDY S. GINSBERG
Fla. Bar No.: 185485

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy
of the foregoing was served via regular mail on May
5, 2011 to: Brett Rivkind, Esq., RIVKIND PEDRAZA &
MARGULIES, P.A., Concord Building, Suite 600, 66
West Flagler Street, Miami, Fl 33130

AZAMARA CLUB CRUISES and
CELEBRITY CRUISES INC.
1050 Caribbean Way
Miami, Florida 33132
(305) 539-6000 Tel.
(305) 539-8101 Fax

By: 
RANDY S. GINSBERG, ESQ.
Fla. Bar No.: 185485

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

ELISA VIOLETA ARCHIBOLD,

GENERAL JURISDICTION DIVISION

Plaintiff,

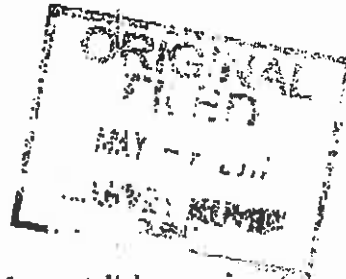
CASE NO.: 11-10119 CA 20

vs.

AZAMARA CLUB CRUISES,
and CELEBRITY CRUISES, INC.,

Defendants.

NOTICE OF HEARING
(Motion Calendar)



TO: Randy Ginsberg, Esquire
1050 Caribbean Way
Miami, Florida, 33132

PLEASE TAKE NOTICE that the following in the above-styled cause is set down for hearing before *The Honorable Ronald Dresnick, Room 524, Miami-Dade County Courthouse, 73 West Flagler Street, Miami, Florida 33130*, on Monday, May 16, 2011, beginning at 9:15 A.M., or as soon thereafter as same can be heard:

DEFENDANT'S MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT

DEFENDANT'S MOTION TO STAY DISCOVERY


The undersigned counsel certifies that a bona fide effort to agree or to narrow the issues on the motion noticed has been made with opposing counsel or that, because of time considerations, such effort has not as yet been made but will be made prior to the scheduled hearing.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, PERSONS NEEDING A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT (305) 373-3016 NO LATER THAN SEVEN (7) DAYS PRIOR TO THE PROCEEDING. TELEPHONE (305) 375-2006 (COURT ADA) AND (305) 375-2007 (COURT TDD).

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via facsimile and U.S. Mail to the above-named addressees this 2nd day of May, 2011.

RIVKIND, PEDRAZA & MARGULIES, P.A.
Attorneys for Plaintiff
Concord Building, Suite 600
66 West Flagler Street
Miami, Florida 33130
Telephone: (305) 374-0565
Facsimile: (305) 539-8341

By: 

BRETT RIVKIND, ESQ.
FBN: 373486

From:

05/05/2011 10:11 #614 P.002/007

IN THE CIRCUIT COURT OF
THE 11TH JUDICIAL
CIRCUIT IN AND FOR
MIAMI-DADE COUNTY,
FLORIDA

ELISA VIOLETA ARCHIBOLD,

CIRCUIT CIVIL DIVISION

Plaintiff,

CASE NO. 11-10119-CA-20

vs.

AZAMARA CLUB CRUISES and
CELEBRITY CRUISES INC.,

Defendant.

DEFENDANT'S MOTION FOR EXTENSION OF TIME TO RESPOND
TO COMPLAINT

Defendant, AZAMARA CLUB CRUISES and CELEBRITY
CRUISES INC., by and through undersigned counsel,
respectfully requests this Court grant an extension
of time for Defendant to respond to Plaintiff's
Complaint.

1. A response to Plaintiff's Complaint is due
on May 5, 2011.

2. Defendant seeks an enlargement of time to
respond to the Complaint in order to permit

From:

05/05/2011 16:11 #614 P.003/007

Defendant the opportunity to determine if this matter is arbitration eligible and whether Defendant will remove the matter to federal court.

3. Defendant may be suffer prejudice by filing a responsive pleading at this point as certain federal court judges have deemed such action as a waiver to proceed in arbitration.

4. Defendant respectfully submits that this request is not for purposes of delay; rather, it is to determine whether that matter is arbitration eligible and whether the Defendant should remove the case to the United States District Court for the Southern District of Florida for the purposes of enforcing any applicable arbitration provision.

WHEREFORE, Defendant, AZAMARA CLUB CRUISES and CELEBRITY CRUISES INC., requests that this Honorable Court grant its Motion for Extension of Time and extend the deadline to respond to Plaintiff's Complaint.


From:

05/05/2011 16:12

#614 P.004/007

Respectfully submitted,


AZAMARA CLUB CRUISES and
CELEBRITY CRUISES INC.
1050 Caribbean Way
Miami, Florida 33132
(305) 539-6000 Tel.
(305) 539-8101 Fax

By: 
RANDY S. GINSBERG
Fla. Bar No.: 185485

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy
of the foregoing was served via regular mail on May
5, 2011 to: Brett Rivkind, Esq., RIVKIND PEDRAZA &
MARGULIES, P.A., Concord Building, Suite 600, 66
West Flagler Street, Miami, Fl 33130

AZAMARA CLUB CRUISES and
CELEBRITY CRUISES INC.
1050 Caribbean Way
Miami, Florida 33132
(305) 539-6000 Tel.
(305) 539-8101 Fax

By: 
RANDY S. GINSBERG, ESQ.
Fla. Bar No.: 185485

From:

05/05/2011 16:13 #814 P.006/007

IN THE CIRCUIT COURT OF
THE 11TH JUDICIAL
CIRCUIT IN AND FOR
MIAMI-DADE COUNTY,
FLORIDA

ELISA VIOLETA ARCHIBOLD,

CIRCUIT CIVIL DIVISION

Plaintiff,

CASE NO. 11-10119-CA-20

vs.

AZAMARA CLUB CRUISES and
CELEBRITY CRUISES INC.,

Defendant.

DEFENDANT'S MOTION TO STAY DISCOVERY

Defendant, AZAMARA CLUB CRUISES and CELEBRITY
CRUISES INC., by and through undersigned counsel,
respectfully requests this Court grant an Order
staying discovery and in support states as follows:

1. A response to Plaintiff's discovery is due
on May 30, 2011.

2. Defendant seeks to stay discovery in order
to permit Defendant the opportunity to determine if

From:

05/05/2011 16:13

#814 P.006/007

this matter is arbitration eligible and whether Defendant will remove the matter to federal court.

3. Defendant may be suffer prejudice by engaging in discovery at this point as certain federal court judges have deemed such action as a waiver to proceed in arbitration.

4. Defendant respectfully submits that this request is not for purposes of delay; rather, it is to determine whether that matter is arbitration eligible and whether the Defendant should remove the case to the United States District Court for the Southern District of Florida for the purposes of enforcing any applicable arbitration provision before engaging in discovery.

WHEREFORE, Defendant, AZAMARA CLUB CRUISES and CELEBRITY CRUISES INC., requests that this Honorable Court grant its Motion to Stay Discovery.

From:

05/05/2011 16:14 #614 P.007/007

Respectfully submitted,

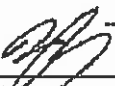
AZAMARA CLUB CRUISES and
CELEBRITY CRUISES INC.
1050 Caribbean Way
Miami, Florida 33132
(305) 539-6000 Tel.
(305) 539-8101 Fax

By: 
RANDY S. GINSBERG
Fla. Bar No.: 185485

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy
of the foregoing was served via regular mail on May
5, 2011 to: Brett Rivkind, Esq., RIVKIND PEDRAZA &
MARGULIES, P.A., Concord Building, Suite 600, 66
West Flagler Street, Miami, Fl 33130

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