

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO:

GINA MACEDO,

Plaintiff,

v.

CARNIVAL CORPORATION, a
Foreign Corporation d/b/a
CARNIVAL CRUISE LINES,

Defendant.

COMPLAINT

Plaintiff, GINA MACEDO, by and through undersigned counsel, sues Defendant, CARNIVAL CORPORATION, a Foreign Corporation d/b/a CARNIVAL CRUISE LINES (hereinafter referred to as “CARNIVAL”), and for their cause of action, allege and say:

1. That this is maritime action for personal injury damages.
2. Defendant, CARNIVAL, is a foreign corporation, authorized to do and doing business in the State of Florida and did business in Florida as CARNIVAL CRUISE LINES providing cruise voyages to paying passengers, and owned and/or operated a cruise ship known as The Carnival Paradise.
3. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §1333, which provides original jurisdiction to the United States District Court exclusive of state courts of “any civil case of admiralty or maritime jurisdiction, saving to suitors in all cases all other remedies to which they may be entitled.
4. Venue is proper in the Southern District of Florida in that Defendant’s principal

place of business in Miami, Florida and this action arose from injuries sustained on a sea-going cruise that originated from Miami, Florida.

5. Defendant has agreed, in writing, that jurisdiction and venue are proper in the Southern district of Florida under the terms of the cruise ticket tendered by Defendant, CARNIVAL, to Plaintiff, GINA MACEDO.

COUNT I - NEGLIGENCE AGAINST DEFENDANT

Plaintiffs reallege, reaver and reassert Paragraphs 1 through 5 as though fully set forth herein, and further allege:

6. On June 15, 2010, Plaintiff, GINA MACEDO, was a fare-paying passenger on The Carnival Paradise, that was at all times material hereto, a vessel owned and operated by Defendant, CARNIVAL.

7. On June 15, 2010, Plaintiff, GINA MACEDO, was a business invitee upon a vessel owned and operated by Defendant, CARNIVAL, having come on the premises to make use of the facilities.

8. At the aforementioned time and place, Plaintiff, GINA MACEDO, was injured when she slipped on butter on the floor of the Elevation Dining Room.

9. At the aforementioned time and place, the Defendant, through its agents and/or employees, was negligent in the following acts of commission and /or omission:

- a. Failure to properly maintain its vessel in a reasonably safe condition for use by Plaintiff and others similarly situated.
- b. Failure to properly supervise its staff to maintain its vessel in a reasonably safe condition for use by Plaintiff and others similarly situated.
- c. Failure to correct a dangerous condition of which it either knew or should have known through the use of reasonable care.
- d. Failure to warn the Plaintiff, GINA MACEDO, of the existence of a dangerous condition on Defendant's vessel of which the Defendant either knew or should have known through the use of reasonable care.

- e. Creating a dangerous condition on its vessel by allowing butter to exist on the floor and failing to either warn Plaintiff, GINA MACEDO, of said dangerous condition or failing to correct the dangerous condition.

10. As a direct and proximate result of the aforementioned negligence on the part of Defendant, CARNIVAL, Plaintiff, GINA MACEDO, was injured in and about her body and extremities; was caused great physical pain and mental suffering; has suffered an activation or aggravation of a pre-existing physical condition; has had her earning ability impaired, and will, within reasonable medical probability, suffer said impairment of her earning ability in the future; has suffered losses to her income and will continue to lose income in the future; has suffered physical and mental losses and impairments which are, within a reasonable degree of medical probability, permanent and/or continuing in nature, and will suffer said losses and impairments in the future; has been caused to expend money for the treatment of her injuries and will, in the future, be caused to expend further monies for treatment of her injuries.

WHEREFORE, Plaintiff, GINA MACEDO, demands judgment for damages against Defendant, CARNIVAL CORPORATION, a Foreign Corporation d/b/a CARNIVAL CRUISE LINES.

DATED this 31st of May, 2011.

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