

IN THE UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF FLORIDA

CASE NO.:

TENG REN,

Plaintiff,

vs.

CELEBRITY CRUISES INC., a
foreign corporation, and
ROYAL CARIBBEAN CRUISES
LTD., a foreign corporation,

Defendants.

COMPLAINT

Plaintiff, TENG REN, sues Defendants, CELEBRITY CRUISES, INC. (referred to herein as “CELEBRITY”) and ROYAL CARIBBEAN CRUISES LTD. (hereinafter “ROYAL CARIBBEAN”), and alleges:

1. This is a negligence action for damages in excess of \$75,000.00, exclusive of interest, costs, and attorney’s fees.
2. Pursuant to 28 U.S.C. §1332, this Court has subject matter jurisdiction because the amount in controversy exceeds \$75,000.00, exclusive of interest, costs, and attorney’s fees, and there is complete diversity of citizenship between the parties.
3. Venue is appropriate in the Southern District of Florida because CELEBRITY and ROYAL CARIBBEAN maintain offices and registered agents in Miami-Dade County, Florida. Defendants are also subject to personal jurisdiction in this District.

4. CELEBRITY is a foreign corporation, duly registered and authorized to transact business in Florida, which has its principal place of business in and is engaged in substantial business activities in Miami-Dade County and is subject to the jurisdiction of this Court.

5. This Court has personal jurisdiction over CELEBRITY pursuant to section 48.193, Florida Statutes, because Defendant has, at all times relevant to this cause of action, through its agents, officers, distributors, and/or representatives:

Operated, conducted, engaged in, and/or carried on a business venture in Florida and has an office in Florida;

Used, possessed, or held a mortgage or other lien on real property within Florida; and/or

Engaged in substantial and not isolated activities within Florida by maintaining stores, offices, employees, distributors, and/or registered agents in Florida, selling products in Florida, advertising products in Florida, or entering into contracts in Florida.

Additionally, upon information and belief, pursuant to its travel document Defendant submits itself to the jurisdiction of this Court.

6. ROYAL CARIBBEAN is a foreign corporation, duly registered and authorized to transact business in Florida, which has its principal place of business in and is engaged in substantial business activities in Miami-Dade County and is subject to the jurisdiction of this Court.

7. This Court has personal jurisdiction over ROYAL CARIBBEAN pursuant to section 48.193, Florida Statutes, because Defendant has, at all times relevant to this cause of action, through its agents, officers, distributors, and/or representatives:

Operated, conducted, engaged in, and/or carried on a business venture in Florida and has an office in Florida;

Used, possessed, or held a mortgage or other lien on real property within Florida; and/or

Engaged in substantial and not isolated activities within Florida by maintaining stores, offices, employees, distributors, and/or registered agents in Florida, selling products in Florida, advertising products in Florida, or entering into contracts in Florida.

Additionally, upon information and belief, pursuant to its travel document Defendant submits itself to the jurisdiction of this Court.

8. At all times material, Plaintiff, TENG REN, was a resident of China and a paying passenger on the cruise ship, Legend of the Seas, which is owned and operated by CELEBRITY and/or ROYAL CARIBBEAN, for a voyage scheduled to depart Shanghai, China on or about March 26, 2011.

9. At all times material, TENG REN was a business invitee of the Defendants.

10. On April 1, 2011, TENG REN was on board the Defendants' ship and was attempting to engage in a rock climbing activity, which was owned, organized, staffed, controlled, and operated by the Defendants.

11. Due to the negligence of Defendants and their employees, agents, and/or crew members, for whom Defendants are vicariously liable, TENG REN was dropped approximately 10-12 or more feet onto the ship's deck while he was attempting to climb down Defendants' rock climbing wall. Defendants' employee(s), agent(s), and/or crew member(s) had a duty to provide support, supervision, safety, and belay¹ for TENG REN. Hereinafter, Defendants' employee, agent, and/or crew member, whose job it was to belay

¹ Belay is a term which means to protect a roped climber from falling by passing a rope through, or around, any type of friction enhancing belay device.

TENG REN and provide TENG REN support via a rope while TENG REN was attempting to descend the subject climbing wall will be referred to as ("Defendants' belayer").

12. Before TENG REN fell, Mr. REN did as he was instructed by Defendants' employee(s), agent(s), and/or crew member(s).

13. Specifically, TENG REN notified Defendants' belayer that he would like to come down.

14. Defendants' belayer then confirmed (to Mr. REN) that he would bring Mr. REN down.

15. Before TENG REN began rock climbing on April 1, 2011, Defendants' belayer informed Mr. REN that he would always be watching and holding the rope and that, while Mr. REN descended, the rope would be completely under Defendants' belayer's control.

16. However, without any warning to TENG REN, when Mr. REN was approximately 10-12 feet or more above the ground, he began rapidly descending uncontrollably and crashed onto the ship's deck, which caused him serious and permanent injuries.

17. As a result of this incident, Plaintiff suffered significant personal injuries including a fractured ankle, which has already required one surgery to repair and which will likely require at least one other surgery to remove the hardware already implanted in Plaintiff's body.

18. Further, as a result of this incident, Plaintiff required significant medical care and treatment, and sustained additional damages.

NEGLIGENCE – COUNT I

19. Plaintiff repeats and realleges paragraphs 1 through 18 and further alleges:

20. Defendants are vicariously liable for all acts of negligence committed by their employees, agents, and crew members, which caused or contributed to this incident, including but not limited to those persons who knew or should have known about, inspected, and/or failed to inspect the equipment involved in this incident, and/or were involved in any respect with causing or contributing to this incident.

21. Defendants owed a duty to their passengers, in general, and Plaintiff in particular, to use reasonable care and:

- a) provide a safe and non-hazardous activity;
- b) inspect the equipment involved in the subject incident;
- c) repair any problems or potentially hazardous or defective conditions with the equipment involved in the subject incident;
- d) warn about any problems or potentially hazardous or defective conditions with the subject rock climbing wall, equipment, and/or operation of the rock climbing wall;
- e) watch TENG REN, as Defendants' represented they would, in a reasonable manner;
- f) hold the rope in a reasonable manner;
- g) maintain control of the rope in a reasonable manner;
- h) operate the rope to prevent TENG REN from rapidly descending and/or crashing onto the deck; and

i) prevent TENG REN from becoming injured while engaging in this activity.

22. Defendants breached their duty to the Plaintiff by negligently:

a) failing to provide a safe and non-hazardous activity;

b) failing to inspect the equipment involved in the subject incident;

c) failing to repair any problems or potentially hazardous or defective conditions with the equipment involved in the subject incident;

d) failing to warn about any problems or potentially hazardous or defective conditions of the subject rock climbing wall and equipment, and/or problems with the operation of the rock climbing wall;

e) failing to watch TENG REN, as Defendants' represented they would, in a reasonable manner;

f) failing to hold the rope in a reasonable manner;

g) failing to maintain control of the rope in a reasonable manner;

h) failing to operate the rope to prevent TENG REN from rapidly descending and/or from crashing onto the deck; and

i) failing to prevent TENG REN from becoming injured while engaging in this activity;

j) creating and/or allowing a dangerous condition(s) to exist on the subject rock climbing wall or with its equipment;

k) failing to ensure the safety of the Plaintiff; and

l) other acts of negligence not yet discovered.

23. As a direct and proximate result of the Defendants' negligence, Plaintiff, TENG REN, sustained permanent personal injuries, resulting pain and suffering, medical treatment and medical expenses, disability, disfigurement, mental anguish, inconvenience, loss of capacity for the enjoyment of life, significant out of pocket expenses and economic losses, lost past earnings, lost ability to earn wages in the future, loss of future earning capacity, and/or aggravation of a previously existing condition. The losses are either permanent or continuing in nature and Plaintiff will suffer the losses in the future and for the rest of his life.

WHEREFORE, Plaintiff, TENG REN, sues Defendants, CELEBRITY CRUISES INC. and ROYAL CARIBBEAN CRUISES LTD., and demands compensatory damages in an amount in excess of seventy five thousand dollars (\$75,000), plus costs, pre and post judgment interest and any other damages deemed appropriate and further requests trial by jury on all issues so triable as of right by a jury.

COUNT II – NEGLIGENT HIRING AND RETENTION

24. Plaintiff repeats and realleges paragraphs 1 through 18 and further alleges:

25. At all times material hereto, Defendants owed a duty to Plaintiff to use reasonable care in the hiring and retention of their employees, agents and ostensible agents, including the crew, on board the subject vessel.

26. At all times material hereto, Defendants owed a duty to Plaintiff to use reasonable care in the operation of their business.

27. At all times material hereto, Defendants are vicariously liable for the acts and omissions of their employees, agents and ostensible agents, including the crew, on board the subject vessel.

28. Defendants, by and through their employees, agents and ostensible agents, including the crew on board the subject vessel, breached their duty of care to the Plaintiff by committing one or more of the following negligent acts and/or omissions:

a) failing to perform a thorough and proper background check on the employees, agents and ostensible agents, including the crew on the subject vessel and, in particular, Defendants' bayer;

b) failing to investigate the employment history of the employees, agents and ostensible agents, including the crew on the subject vessel and, in particular, Defendants' bayer;

c) failing to reasonably investigate the employees, agents and ostensible agents, including the crew on the subject vessel and, in particular, Defendants' bayer;

d) failing to ensure that each and every employee, agent and ostensible agent, including the crew on the subject vessel, and, in particular, Defendants' bayer, was qualified and fit to perform his or her job;

e) retaining the employees, agents and ostensible agents, including the crew on the subject vessel, and, in particular, Defendants' bayer, when Defendants knew or, in the exercise of reasonable care, should have known that they were unfit to perform their duties in a reasonable manner;

f) retaining the employees, agents and ostensible agents, including the crew on the subject vessel, and, in particular, Defendants' bayer, although they failed to maintain proper safety regulations;

g) retaining the employees, agents and ostensible agents, including the crew on the subject vessel, and, in particular, Defendants' bayer, although they failed to adhere to Defendants' policies and procedures;

h) failing to enforce reasonable policies and procedures;

i) failing to require that each employee, agent and ostensible agent, including the crew on the subject vessel, and, in particular, Defendants' bayer, confirm that he/she/they would safely perform their duties and advise passengers in a safe manner; and/or

j) were otherwise negligent in the hiring and retention of the persons involved in the subject incident.

29. As a direct and proximate result of the Defendants' negligence, Plaintiff, TENG REN sustained permanent personal injuries, resulting pain and suffering, medical treatment and medical expenses, disability, disfigurement, mental anguish, inconvenience, loss of capacity for the enjoyment of life, significant out of pocket expenses and economic losses, lost past earnings, lost ability to earn wages in the future, loss of future earning capacity, and/or aggravation of a previously existing condition. The losses are either permanent or continuing in nature and Plaintiff will suffer the losses in the future and for the rest of his life.

WHEREFORE, Plaintiff, TEN REN, sues Defendants, CELEBRITY CRUISES INC. and ROYAL CARIBBEAN CRUISES LTD., and demands compensatory damages in an amount in excess of seventy five thousand dollars (\$75,000), plus costs, pre and post judgment interest and any other damages deemed appropriate and further requests trial by jury on all issues so triable as of right by a jury.

COUNT III – NEGLIGENT TRAINING AND SUPERVISION

30. Plaintiff repeats and realleges paragraphs 1 through 18 and further alleges:

31. At all times material hereto, Defendants owed a duty to Plaintiff to use reasonable care in training and supervising their employees, agents and ostensible agents, including the crew on board the subject vessel and, in particular, Defendants' belayer.

32. At all times material hereto, Defendants owed a duty to Plaintiff to use reasonable care in the operation of their business.

33. At all times material hereto, Defendants are vicariously liable for the acts and omissions of their employees, agents and ostensible agents, including the crew on board the subject vessel and, in particular, Defendants' belayer.

34. Defendants, by and through their employees, agents and ostensible agents, including the crew on board the subject vessel, and, in particular, Defendants' belayer, breached their duty of care to the Plaintiff, by committing one or more of the following negligent acts and/or omissions:

- a) negligently operating the business;
- b) negligently training the employees, agents, and/or crew involved in the subject incident and, in particular, Defendants' belayer, as well as those involved in the supervision of the crew;
- c) negligently failing to train the employees, agents, and/or crew involved in the subject incident and, in particular, Defendants' belayer, as well as those involved in the supervision of the crew;
- d) negligently supervising the employees, agents, and/or crew involved in the subject incident and, in particular, Defendants' belayer,;

e) negligently failing to supervise the employees, agents, and/or crew involved in the subject incident and, in particular, Defendants' belyer, and/or

f) other acts of negligence as may be discovered.

32. As a direct and proximate result of the Defendants' negligence, Plaintiff, TENG REN sustained permanent personal injuries, resulting pain and suffering, medical treatment and medical expenses, disability, disfigurement, mental anguish, inconvenience, loss of capacity for the enjoyment of life, significant out of pocket expenses and economic losses, lost past earnings, lost ability to earn wages in the future, loss of future earning capacity, and/or aggravation of a previously existing condition. The losses are either permanent or continuing in nature and Plaintiff will suffer the losses in the future and for the rest of his life.

WHEREFORE, Plaintiff, TENG REN, sues Defendants, CELEBRITY CRUISES INC. and ROYAL CARIBBEAN CRUISES LTD., and demands compensatory damages in an amount in excess of seventy five thousand dollars (\$75,000), plus costs, pre and post judgment interest and any other damages deemed appropriate and further requests trial by jury on all issues so triable as of right by a jury.

