

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO.:

DANIEL FISHER,

Plaintiff,

vs.

CARNIVAL CORPORATION, a foreign
corporation d/b/a CARNIVAL CRUISE LINES,

Defendant.

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COMPLAINT

COMES NOW, the Plaintiff, DANIEL FISHER, by and through his undersigned attorney, sues the Defendant, CARNIVAL CORPORATION, a foreign corporation d/b/a CARNIVAL CRUISE LINES, (herein CARNIVAL CRUISE LINES), and in support thereof states as follows:

1. That this is an action for damages in excess of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest, costs and attorney's fees.
2. At all material times, Plaintiff, DANIEL FISHER, was and is a resident of San Bernardino, California.
3. At all material times, Defendant, CARNIVAL CORPORATION was a foreign corporation d/b/a CARNIVAL CRUISE LINES, engaged in international commerce, and owned and operated a cruise ship "Carnival Paradise".
4. This court has initial jurisdiction pursuant to 28 U.S.C. § 1333.
5. On or about October 28, 2010, Plaintiff, DANIEL FISHER, was a fare

paying passenger aboard the vessel “Carnival Paradise”.

6. On or about October 28, 2010, the Plaintiff, DANIEL FISHER, while exercising due care and caution, was seriously injured when he slipped and fell in sauna which accumulated excessive moisture and/or other foreign substance, and improperly maintained sauna which did not have either handrails, warning signs, or skid-proof flooring surfaces.

7. At all times material, the Defendant, CARNIVAL CRUISE LINES, through its employees and agents, had actual or constructive notice of an unreasonable and dangerous condition for passengers such as Plaintiff, DANIEL FISHER, in the aforementioned sauna, hereinafter set out.

8. The Defendant, CARNIVAL CRUISE LINES, owed a duty to exercise reasonable care to maintain its ship for the safety of its passengers, including Plaintiff, DANIEL FISHER, and breached same hereinafter set out.

9. The Defendant, CARNIVAL CRUISE LINES, was negligent for one or more of the following reasons:

- A) Failure to provide any warnings to Plaintiff as to the existing dangerous conditions;
- B) Failure to post proper and sufficient warning signs indicating slippery surface;
- C) Failure to provide handrails and/or other devices which to support/assist one getting up and dismounting from sauna benches/steps;
- D) Failure to provide non-skid surfaces for such an area;
- E) Failure to inspect and/or maintain the area to ensure free of potential dangerous conditions;
- F) Defendant otherwise failed to exercise reasonable care for the Plaintiff under the

circumstances in ways to be discovered throughout the course of this litigation.

10. The Defendant, CARNIVAL CRUISE LINES, owed a duty to exercise reasonable care in the maintenance of its vessel and breached same as above stated.

11. As a direct and proximate result of the Defendant, CARNIVAL CRUISE LINES, breach of their duties, DANIEL FISHER, has suffered and will continue to suffer physical injury, great pain of body and has incurred and will continue to incur expenses for necessary medical care and treatment.

WHEREFORE, the Plaintiff, DANIEL FISHER, demands judgment against the Defendant for all allowable damages in excess of \$75,000.00 and costs, and any other relief which this Court may deem appropriate. Further, Plaintiff, DANIEL FISHER, demands trial by jury on all issues so triable as a matter of right.

Respectfully submitted,

By: /s/ Marcos A. Gonzalez-Balboa
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