

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI CIVIL DIVISION

CASE NUMBER:

James H. Wolfston,

Plaintiff,

vs.

Carnival Corporation, a foreign corporation,

\_\_\_\_\_  
Defendant, \_\_\_\_\_ /

**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, James H. Wolfston, sues Defendant, Carnival Corporation, for damages and alleges as follows:

1. Plaintiff is a citizen of Springhill, Florida and was a passenger aboard the CARNIVAL LEGEND on November 8, 2010.
2. Defendant, Carnival Corporation, a foreign corporation is doing continuous and systematic business in the Southern District of Florida by operating seagoing vessels in Florida.
3. Defendant, Carnival Corporation operated the vessel CARNIVAL LEGEND from Tampa, Florida, to various locations in the Caribbean on November 8, 2010.
4. The claim of the Plaintiff is a maritime personal injury claim that has a value in excess of \$75,000.00.

5. Venue is proper under 28 U.S.C. 1391, and also due to the forum selection clause contained within the Defendant's cruise ticket. Jurisdiction is proper under 28 U.S.C. § 1333.
6. The Plaintiff, James H. Wolfston, was a passenger on the CARNIVAL LEGEND on November 8, 2010.
7. Defendant, Carnival Corporation has the duty to use reasonable care under the circumstances when operating its cruise.
8. On November 8, 2010, Plaintiff, James H. Wolfston was going to a golf clinic at the Satchmo's lounge when he tripped and fell over a table he did not see due to inadequate lighting in the lounge. As a result of his fall, Mr. Wolfston fractured his right leg and required surgery.
9. The above conditions directly caused the injuries sustained by the Plaintiff and were the result of Defendant Carnival Corporation's breach of its duty to its passenger. The negligence of Defendant, Carnival Corporation, resulted from the following acts of omission and commission of its employees, staff, crewmembers, owners, agents and operators:
  - a. Failure to have proper lighting in the Satchmo's lounge;
  - b. Failure to allow mark or distinguish the tables from the ground in the Satchmo's lounge;
  - c. Failure to warn passengers of the inadequate lighting in the Satchmo's lounge;
  - d. Failure to warn passengers of the tables in the Satchmo's lounge, and
  - e. By negligently placing tables in the Satchmo's lounged that posed a tripping hazard to passengers.

10. As a direct and proximate result of the Defendant's negligence, the Plaintiff, James H. Wolfston, suffered injuries to his right leg and bodily injury resulting in pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life and expense of hospitalization, medical and nursing care and treatment, loss of earnings and loss of ability to earn money and aggravation of a previously existing condition. The losses are either permanent or continuing and plaintiff will suffer the losses in the future. Plaintiff also lost the value of the cruise and incurred other incidental expenses.

WHREFORE, Plaintiff, James H. Wolfston, prays for a judgment to be entered against the Defendant, Carnival Corporation for compensatory damages in excess of \$1,000,000.00, including prejudgment and post judgment interest and costs. Plaintiff demands a trial by jury.

/s/ Jacob J. Munch  
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