

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.:

IN ADMIRALTY

MARLENE HJERTSTEDT

Plaintiff

vs.

ROYAL CARIBBEAN CRUISES, LTD.,

Defendant.

COMPLAINT

COMES NOW, the Plaintiff, **MARLENE HJERTSTEDT**, by and through undersigned counsel, and sues the Defendant, **ROYAL CARIBBEAN CRUISES, LTD.**, and further states as follows:

GENERAL ALLEGATIONS

1. This is a cause of action which is brought in the District Court for the Southern District, Florida pursuant to 28 U.S.C. 1333 and the forum selection clause of Plaintiff's passenger cruise ticket with Defendant. There is no diversity of citizenship. Plaintiff is a resident and citizen of the state of Florida. This is a maritime cause of action.
2. Plaintiff has complied with all conditions precedent to bringing this action.
3. Defendant **ROYAL CARIBBEAN CRUISES, LTD.**, is, upon information and belief, a foreign corporation, which is licensed to do business in Florida as a cruise line. Defendant's base of operations is in Miami, Dade County, Florida.

COUNT ONE-NEGLIGENCE

4. Plaintiff reavers and realleges paragraphs One through Three as if set forth herein.
5. On or about December 1, 2010, Plaintiff was an adult fare paying passenger on Defendant's vessel ALLURE OF THE SEAS. Defendant owned and/or operated the ALLURE OF THE SEAS on the aforesaid date.
6. At all times material Defendant owed Plaintiff a duty of reasonable care in the circumstances aboard its vessel.
7. Notwithstanding Defendant's duty as aforesaid, Defendant breached its duty by unreasonably:
 - a. Failing to properly maintain a set of passenger steps, and/or;
 - b. Failing to warn of an overly waxed or overly and dangerously slippery set of passenger steps, and/or;
 - c. Failing to properly and safely supervise cleaners, and/or;
 - d. Failing to properly select an appropriate material for a set of wooden steps, and/or;
 - e. Failing to have a non-slip or non-skid surface on a set of highly polished wooden steps.
8. As a result of the foregoing, the Plaintiff was injured when she slipped on a highly-polished wooden step leading to a landing near the Cupcake Café and fell.
9. At all times material, the Defendant either created the dangerous conditions of which Plaintiff complains and/or the dangerous conditions existed for a sufficient period of time that Defendant had constructive knowledge of the dangerous conditions and/or Defendant had actual knowledge of the dangerous conditions hereinbefore alleged in paragraph seven to have caused or contributed to causing

Plaintiff's injury.

10. At all times material, Plaintiff acted with due care for her own safety.
11. At all times material hereto, Defendant ROYAL CARIBBEAN CRUISES, LTD., was in direct control of the vessel where Plaintiff was injured.
12. As a result of the negligence of the Defendant as aforesaid, the Plaintiff was injured in and about her body and extremities and suffered pain, mental and emotional distress and anguish therefrom; incurred medical expense in the past and to be incurred in the future, disfigurement and physical handicap, scarring and disfigurement and a loss of the ability to enjoy life; suffered a loss of enjoyment of the cruise, suffered an aggravation of previously known or unknown physical conditions and loss of earnings and/or earning capacity. Said personal injuries are permanent and/or continuing in nature and the Plaintiff shall continue to suffer such losses and impairments in the future.

WHEREFORE, Plaintiff demands judgment from Defendant for damages, pre-judgment interest and costs.

DATED this 6th Day of September, 2011.

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