

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

**BINDING RULE 39(c) JURY TRIAL REQUESTED**

SARAH DOE,

Plaintiff,

v.

CASE NO. \_\_\_\_\_

ROYAL CARIBBEAN  
CRUISES, LTD, a Liberian  
Corporation,

Defendant.

\_\_\_\_\_ /

**COMPLAINT**

The Plaintiff, SARAH DOE [hereafter “DOE” or “Plaintiff”], by and through her undersigned counsel, sues the Defendant ROYAL CARIBBEAN CRUISES, LTD. [hereinafter “RCCL”], and alleges:

**GENERAL ALLEGATIONS**

1. This is an action for damages in excess of the sum of Seventy-Five Thousand Dollars (\$75,000.00) and jurisdiction of this claim is further founded upon the court’s maritime jurisdiction pursuant to 28 U.S.C.A §1333(1).

2. Plaintiff is a U.S. citizen who resides and is domiciled in the state of Florida. The plaintiff’s last name, which is well known to the defendant, has been

altered to “DOE” to preserve her privacy, given the personal nature of the injuries alleged herein.

3. Defendant RCCL is a Liberian cruise line common carrier which has its principal place of business in Miami-Dade County, Florida.

4. Defendant RCCL, at all relevant times, owns and operates the cruise ship *M/S Oasis of the Seas*.

5. Defendant RCCL, at all relevant times, and for at least a decade prior to the incident complained of in this lawsuit, knew that there was a serious risk of crime and injury to its passengers aboard its vessels, because defendant had experienced and had actual knowledge of such crimes and injuries, perpetrated aboard its vessels both by crew and by other passengers. These crimes and injuries, upon information and belief, included but were not limited to, assaults and batteries and sexual crimes, and other violence between passengers and between crew and passengers.

6. Defendant RCCL, at all relevant times, chooses to sell alcohol to passengers aboard its vessels. Upon information and belief, such beverage sales are among the top sources of onboard revenue, which determine the profitability of each voyage. Upon further information and belief, defendant RCCL derives hundreds of millions of dollars in annual revenue from this source alone.

7. Defendant RCCL knew, or should have known, that the high risk to its passengers of crime and injury aboard the vessels was enhanced by defendant's sale of copious quantities of alcohol on those vessels.

8. Defendant RCCL also knew, or should have known, from previous experience, that the risk of crime and injury against passengers aboard its vessels tended to be greatest in passenger cabins and in bars and public bathrooms aboard the vessels.

9. Defendant RCCL, at all relevant times, advertises and markets its cruises and vessels in a way calculated by RCCL to induce prospective cruisers to sail with defendant. In doing so, defendant RCCL deliberately emphasizes the positives of its cruises and vessels, almost to the exclusion of any negatives, such as the risk of crime and injury aboard the vessels, which was well-known to defendant at all relevant times. As a consequence, prospective passengers do not receive sufficient information from defendant to make a fully informed decision to book a cruise with the defendant, and/or to fully comprehend the need to take precautions for their own safety while aboard defendant's vessels.

10. In early September, 2011, the plaintiff, along with members of her family, booked a cruise with RCCL on the *M/S Oasis of the Seas*, and occupied the same cabin. At the time, the plaintiff was 21 years old, single, and was employed as a teacher's aide at a private school in Palm Beach County, Florida.

11. On or about October 4, 2010, and at all other relevant times, the plaintiff was a fare-paying passenger aboard the subject vessel, which was making way on navigable waters.

12. Around midnight on that date, the plaintiff was in The Blaze lounge aboard the vessel with other members of her party. During this interlude, the defendant sold the plaintiff alcoholic beverages in a sufficient quantity to intoxicate her. At some point, the plaintiff's family members returned to their cabins.

13. The plaintiff remained to dance with a male passenger from the Netherlands [hereinafter "the perpetrator"].

14. At approximately 12:45 AM, the plaintiff left the lounge because she needed to find a restroom. She was followed by the perpetrator who, a short time later, was captured on surveillance videotape by RCCL, pressing the plaintiff up against a wall and then attempting to get her to accompany him into a nearby mens' room. She did not do so. She insisted on finding a women's room.

15. Thereafter, in full view of the ship's surveillance cameras, the perpetrator steered an obviously disoriented and unstable plaintiff down a hallway.

16. At 12:47 AM, again in full view of the ship's surveillance cameras, the plaintiff stumbled up the portside stairs from Deck 15 Forward to Deck 16, still in

search of a women's room. The perpetrator grabbed onto her and pushed her up these stairs.

17. At 12:49 AM, in full view of the ship's surveillance cameras, the plaintiff, still in the company of the perpetrator, staggered down a hallway and then abruptly stumbled and fell to the floor. This incident was witnessed by a ship's employee in the immediate area, who did nothing to assist the plaintiff. However, after she was helped to her feet by the perpetrator, the ship's employee did place a yellow "Wet Floor" cone on the spot where the plaintiff fell.

18. At approximately 12:50 AM, in full view of the ship's surveillance cameras, the perpetrator steered the plaintiff to a location just outside a men's room on Deck 16 (which is clearly identified as such by a male image on the door). The perpetrator briefly went inside the men's room; and then he came out again and pressed the plaintiff up against a wall. He then invited her to join him in the men's room and was seen to open the door and then return to where the plaintiff was standing. He then beckoned her to some nearby deck chairs; however, the plaintiff still needed to find a women's room and walked away, followed by the perpetrator.

19. At approximately 12:58 AM, in full view of the ship's surveillance cameras, the perpetrator led the plaintiff back to just outside the aforementioned

men's room on Deck 16. The perpetrator again obviously attempted to get the plaintiff into the men's room with him. Again, she clearly and obviously refused.

20. At approximately 12:59 AM, still in full view of the ship's surveillance cameras, the plaintiff and the perpetrator arrived at the starboard forward ladies room on Deck 16 (which is clearly identified as such by a female image on the door). The plaintiff opened the door and went in – and was followed by the perpetrator (still in view of the ship's surveillance cameras).

21. Over the course of the next ten (10) to fifteen (15) minutes, the plaintiff was brutally raped by the perpetrator inside the handicapped stall in the starboard forward ladies room on Deck 16.

22. As a direct and proximate result of this incident, the plaintiff suffered physical pain and mental anguish, aggravated pre-existing conditions, suffered loss of enjoyment of life, incurred medical expenses in the treatment of the injuries, and suffered physical handicap and disability and her working ability was impaired. The injuries are either permanent and/or are continuing in nature and the Plaintiff will suffer the losses and impairment in the future.

23. The plaintiff reported the incident to her family and to defendant's management aboard the ship; and she provided the defendant with written notice of her claim within six (6) months of the incident; and she has otherwise satisfied all conditions precedent to the maintenance of this lawsuit.

## COUNT I - NEGLIGENCE

24. The plaintiff realleges and incorporates paragraphs 1-23 of this complaint as is expressly set forth herein.

25. Defendant RCCL, at all relevant times, owed the Plaintiff, as a fare-paying passenger, a duty to exercise reasonable care under the circumstances for her safety.

26. The defendant, at all material times, undertook to market, to advertise, and to otherwise provide information to guests to induce them to book its cruises. The defendant also undertook to disseminate information to guests once they were aboard the vessels, *e.g.*, a “Guest Conduct Policy”; and, in doing so, defendant acquired a duty to exercise reasonable care in those undertakings, including a duty not to misrepresent or understate the safety characteristics of the cruises and vessel, and to warn of dangers known to the defendant in places aboard the vessel where the passenger is invited to, or may reasonably be expected to visit.

27. The defendant, by undertaking to provide alcohol aboard its vessels, and to the plaintiff (and to the perpetrator), acquired a special duty to exercise reasonable care to not over-serve alcohol to guests, and to monitor intoxicated

guests, and to intervene if it became apparent that such guests had become a danger to themselves or others.

28. The defendant, by undertaking to install video surveillance cameras aboard the subject vessel, acquired a duty to exercise reasonable care in that undertaking, including but not limited to assigning sufficient personnel to monitor the cameras in real-time, with specific guidance as to how to interpret and act upon the visual imagery.

29. The defendant also had a duty, at all relevant times, to comply with 46 U.S.C. §3507.

30. Defendant RCCL, at all relevant times, breached its duties, above, by:

A. By failing to adequately and completely document and report all occurrences of crimes against persons and property aboard its vessels; and,

B. By failing to prosecute, or to deliver up for prosecution, known perpetrators of crimes and violence against persons aboard its vessels; and,

C. By failing to use forceful language in its communications with prospective guests and/or with passengers aboard its vessels, to convey that miscreants would be criminally prosecuted for sexual misconduct against passengers aboard the vessels; and,



- D. By failing to warn prospective and current passengers of the true risk of crime aboard defendant's vessels in general, and in the passenger spaces in particular and/or by failing, in its advertising, marketing and other corporate communications with prospective and actual passengers, to direct them to external sources of data and information about the crime rate and risk aboard defendant's vessels; and,
- E. By failing to warn or advise that guests, especially at night and/or after consuming alcohol, should take extra precautions for their own safety aboard defendant's vessels, such as travelling in pairs or groups in the public areas; and,
- F. By over-serving alcohol to the plaintiff and the perpetrator; and by failing to adequately monitor them after doing so; and,
- G. By advertising and marketing its cruises and vessels in such a way as to convey to prospective customers that the environment they could expect aboard defendant's vessels was such that the passengers were free to exercise little or no vigilance for their own safety aboard the vessels; and,
- H. By misrepresenting its cruises and vessels to the plaintiff as safe and worry-free, including for families, or words to that effect, thereby influencing plaintiff's decision to book the cruise and/or to exercise a lower level of vigilance aboard the ship than if defendant had conveyed

complete information about risks of being a victim of crime aboard ship;  
and,

- I. By failing to assign sufficient and/or trained staff to adequately monitor the video cameras aboard the vessel and/or by negligently failing to provide them with criteria to interpret and react to the video imagery;  
and,
- J. By such other acts and omissions as may presently unknown but which may be revealed in discovery.

31. As a direct and proximate result of the breaches of duties by defendant RCCL, the plaintiff, was injured as set forth in paragraph 23, *supra*.

WHEREFORE the Plaintiff demands judgment for all allowable damages and interest, *e.g.*, prejudgment interest, against Defendant RCCL on this count and requests a binding trial by jury pursuant to *Rule 39(c), Fed. Rules Civ. Pro.*

## **COUNT II – WILLFUL, WANTON MISCONDUCT**

32. The plaintiff realleges and incorporates paragraphs 1-31, as if expressly set forth herein.

33. Defendant RCCL, at all relevant times, and well in advance of the booking of the plaintiff on the subject cruise, made a conscious and deliberate corporate determination, in respect to both its advertising and marketing to

prospective passengers and to its on-board communications to actual passengers, that conveying full and complete information about the risk of crime aboard its vessels could reduce the number of bookings and/or create a state of vigilance among passengers, which would not be conducive to the passengers relaxing and maximizing their patronization of major sources of on-board revenue to the defendant, *e.g.*, purchases of beverages.

34. Defendant RCCL, therefore deliberately chose to maximize its own profits at the expense of its passengers' safety, by choosing to downplay the risk of crime aboard its vessels, even though defendant RCCL knew this course of action would certainly lead to more passengers being victims of such crime, as in the present case.

35. Defendant RCCL's behavior in this respect was willful, wanton, and evinced a reckless disregard for the safety of passengers, including the plaintiff.

36. As a direct and proximate result of such willful, wanton, and reckless misconduct by defendant RCCL, the plaintiff, was injured as set forth in paragraph 23, *supra*.

WHEREFORE the Plaintiff demands judgment for all allowable damages including punitive damages and prejudgment interest, against Defendant RCCL on this count and requests a binding trial by jury pursuant to *Rule 39(c), Fed. Rules Civ. Pro.*

Dated this 14<sup>th</sup> of September, 2011  
West Palm Beach, Florida

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