

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

SUZANNE BODEN,

CASE NO.

Plaintiff,

v.

ROYAL CARIBBEAN CRUISES LTD.,
a Liberian Corporation d/b/a ROYAL
CARIBBEAN INTERNATIONAL,

Defendant.

_____ /

COMPLAINT FOR DAMAGES

Plaintiff, SUZANNE BODEN, sues ROYAL CARIBBEAN CRUISES LTD. d/b/a ROYAL CARIBBEAN INTERNATIONAL for damages and alleges as follows:

1. This is an action for damages in excess of Seventy Five Thousand Dollars (\$75,000.00), exclusive of interest, costs and attorneys' fees.
2. At all times material hereto, Plaintiff, SUZANNE BODEN (hereinafter BODEN), is and was a resident of Maryland with a second permanent residence in Boca Raton, Florida.
3. At all times material hereto, Defendant, ROYAL CARIBBEAN CRUISES LTD. d/b/a ROYAL CARIBBEAN INTERNATIONAL (hereinafter RCCL), is and was a foreign corporation, registered to do business in the State of Florida, with a principal place of business address of 1050 Caribbean Way, Miami, Florida 33132.
4. Pursuant to the Passenger Ticket issued at the time of Plaintiff's voyage, Plaintiff must bring her claim in the United States District Court for the Southern District of Florida. Therefore,

venue is proper in United States District Court for Southern District of Florida. See Passenger Ticket herein attached as Exhibit "A".

5. Plaintiff has satisfied all conditions precedent to filing her claim. See Notice Letter dated March 4, 2011 herein attached as Exhibit "B".

ALLEGATIONS AS TO ALL COUNTS

6. Plaintiff, BODEN, booked a nine (9) day cruise on *Enchantment of the Seas*, a cruise ship owned and operated by RCCL.
7. On or about October 12, 2010, Plaintiff, BODEN, was lawfully onboard *Enchantment of the Seas* (a vessel among the RCCL fleet) when she was struck and injured by a falling piece of the shower in Stateroom 2547.
8. The shower and broken metal pieces that injured BODEN created an unsafe, dangerous and hazardous condition.
9. As a result of the dangerous condition, Plaintiff, BODEN, was severely injured.
10. As of October 12, 2010, Defendant, RCCL, had exclusive dominion, possession and control of the cruise ship, *Enchantment of the Seas*, including Stateroom 2547 and the shower where Plaintiff was injured.
11. On or before October 12, 2010, Defendant, RCCL, negligently and carelessly maintained the premises onboard the cruise ship, *Enchantment of the Seas*, whereby creating unsafe conditions for its passengers, such as Plaintiff.
12. Defendant owed a duty of care to its cruise ship passengers.
13. Defendant breached its duty of care to Plaintiff, BODEN, by negligently maintaining its vessel.

14. Defendant, RCCL, by and through its agents, employees, and or servants was negligent, to wit:
 - a. failing to inspect and/or test the shower parts in Stateroom 2547;
 - b. failing to discover and correct potential hazardous conditions within the bathroom in Stateroom 2547;
 - c. failing to have a reasonable mode of operation in place requiring regular and complete inspections, which, if done, would reveal dangerous and unsafe conditions;
 - d. creating an unexpected hazard by designing and selecting materials for a shower stall with non-permanent parts that could dislodge, fall or otherwise become unsafe;
 - e. using materials in the construction of the shower that are capable of injuring a guest because of the ability to dislocate;
 - f. failing to provide sufficient safeguards to assure that falling or defective shower pieces do not injure passengers;
 - g. using materials that they know or should have known was fit or designed for the purposes intended, and in fact, created a dangerous and hazardous condition for its passengers using same; and/or
 - h. failing to properly inspect, test and/or maintain the area where the accident occurred.
15. Defendant, RCCL, had a duty to maintain the stateroom showers in a reasonably safe and proper condition for a class of passengers of which Plaintiff is a member.
16. Defendant was negligent in creating or permitting the aforementioned dangerous conditions to remain aboard the vessel, rendering said premises dangerous and unsafe.
17. Defendant either knew, or with the exercise of reasonable care, should have known of the

existence of the dangerous condition of the guestroom showers and should have taken steps to warn Plaintiff of the existence of the dangerous condition.

18. Defendant failed to warn Plaintiff, BODEN, of the aforementioned condition and the risk involved in as much as the presence of Plaintiff was known or reasonably foreseeable.
19. Plaintiff, BODEN, neither knew nor should have known of said dangerous condition and risk of injury and Plaintiff exercised reasonable care.
20. Defendant failed to provide a more of operation, policy or procedure to properly train its employees and supervise same in safeguarding its premises from this foreseeable and known hazard.
21. Defendant's employees, servants, and agents all acted in the course and scope of their employment.
22. As a result of the Defendant's failure to maintain the shower stall in Stateroom 2547 in a reasonably safe condition, Plaintiff, BODEN, was severely and permanently injured.
23. As a direct and proximate result, Plaintiff, BODEN, suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment. The losses are either permanent or continuing, and Plaintiff will suffer the losses in the future.

WHEREFORE, Plaintiff, SUZANNE BODEN, demands judgment for damages and all costs, including attorney's fees and costs associated with this action.

DAMAGES

As a direct and proximate result of the personal injuries to Plaintiff, SUZANNE BODEN, Defendant is liable for all damages as follows:

- a. Bodily injuries and resulting pain and suffering;
- b. Disability;
- c. Disfigurement;
- d. Mental anguish;
- e. Loss of capacity for the enjoyment of life;
- f. Expense of hospitalization, medical and nursing care and treatment and/or;
- g. Loss of earnings and loss of ability to earn money.

These losses as a result of Defendant's negligence are either permanent or continuing in nature and Plaintiff will suffer these losses in the future.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury.

Dated: September 15, 2011

Respectfully submitted,

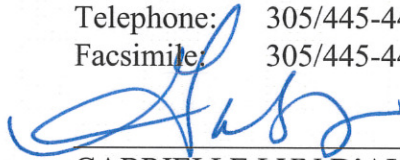
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