

and his decedent Victoria were guests onboard the cruise ship *M/V Carnival Dream* (õ*Carnival Dream*ö), and for resulting in the ultimate death of Victoria.

2. Plaintiff Showers, an individual and personal representative of the Estate of Victoria, deceased, his former wife, is a resident and citizen of the State of Florida and whose current residence address is 9856 SE 125th Lane, Summerfield, FL 34491.

3. At the times of the actions, omissions and breaches of duties complained of herein, Plaintiff and Plaintiff's Decedent, Victoria were fare paying passengers on a voyage of the cruise liner *Carnival Dream*.

4. Defendant Carnival Corporation, a/k/a Carnival Corporation & PLC, doing business as Carnival Cruise Lines, is a for-profit foreign corporation of the Republic of Panama and/or it is or they are corporations or other entities of England or the United Kingdom, doing business in Florida under the registered fictitious name of Carnival Cruise Lines, and which conducts business and maintains an important or principal place of business in Miami-Dade County Florida, specifically at Carnival Place, 3655 NW 87 Avenue, Miami, Florida 33178-2428, and at all relevant times was doing business as a common carrier for hire of passengers by water.

5. At all times material to this action, Carnival was the owner and operator of the cruise liner *Carnival Dream*, operating in domestic and international waters, carrying passengers for hire.

6. Defendant Cvetanka Bulajic (õBulajicö) is believed to be a citizen and resident of the country of South Africa, with an address at Carel De Wet 100, Brits, Gauteng 0250 Zaf.

7. Defendant Lolita Karpiene (õKarpieneö), is believed to be a citizen and resident

of the country of Lithuania, with an address at Klevu 15, Vilniaus Raj. Avieniu Sen, Vilnius 03225 LTU.

8. Defendant John Doe is a male believed to be a member of the crew of the *Carnival Dream* and an employee of Carnival as hereinafter described, whose identity is unknown to Plaintiff after reasonable inquiry (øUnidentified Crewmemberö). If and when the true name of John Doe is discovered, it will be inserted in the Complaint by amendment.

9. During the subject voyage Defendants Bulajic and Karpiene were assigned to the *Carnival Dream* as physician and nurse respectively, and were identified as and held out by Carnival to be officers and members of the crew of the *Carnival Dream*.

10. At the times relevant to this action, Defendant John Doe was an additional Carnival male employee and crew member of the *Carnival Dream* whose identity was requested from Carnival but it has failed and has not been revealed by Carnival (øUnidentified Crewmemberö).

11. John Doe substituted for the shipø's assigned medical personnel and covered the Medical clinic, center or sick bay (øMedical Clinicö) of the *Carnival Dream*, as a regular member of the crew. This Unidentified Crewmember first saw, examined and rendered the initial therapy to or for Victoria as hereinafter explained.

12. This is an action brought under general maritime law and under the authority of the Death on the High Seas Act, particularly, 46 U.S.C. section 30306, under the laws of Belize, and alternatively 46 U.S.C. section 30302, for wrongful acts, negligence and defaults having occurred while the *Carnival Dream* was anchored in the local waters of Belize, so that the action is also based on the Courts of admiralty and maritime jurisdiction. Personal jurisdiction and

venue is based on, among other things, the forum selection clause believed to be contained in the passenger ticket between Plaintiff and Carnival.

13. Any and all conditions precedent to the commencement of this action including Plaintiff's prior written Notice of Claim sent by Certified Mail, return receipt requested mailed March 15, 2011, have been performed by Plaintiff or have otherwise occurred.

STATEMENT OF FACTS

14. Victoria died on December 22, 2010, as a direct and proximate result of the negligence and carelessness of Defendants, the individual defendants, inclusive of the Unidentified Crew Member, acting within the course and scope of their real or apparent authority, office or employment as members of the crew of the *Carnival Dream*, as more particularly described below.

15. Victoria was 59 years old at the time of the events described herein and her untimely death as a result of the conduct of Defendants which occurred on November 2, 2010, commencing on board the *Carnival Dream*. Before November 2, 2010, Victoria was in reasonably good health, subject only to limited medical conditions consistent with her age.

16. Plaintiff and Victoria boarded the *Carnival Dream* with another couple in Miami, Florida on October 30, 2010, for a Caribbean cruise. Victoria had no symptoms that she associated with constipation or any other bowel condition at that time.

17. On October 31, 2010, Victoria first complained of a bit of constipation and ate a light evening meal, and planned to obtain an over-the-counter medication for her constipation when the ship arrived in Cozumel, Mexico the next day.

18. On November 1, 2010, because Victoria was still constipated, she went ashore in

Cozumel, and purchased and took the over the counter laxative, dulcolax, which did not relieve her constipation. She was unable to attend dinner that evening.

19. Carnival advertised and represented to passengers aboard its ships including the *Carnival Dream* that qualified medical personnel were on-call 24 hours a day to handle emergency medical situations.

20. In the morning of November 2, 2010, while the ship was anchored in Belize waters, Victoria was in serious and severe abdominal pain so severe that Victoria was unable to walk. As a result, at 9:00 a.m., Plaintiff began calling for a wheelchair to take his wife to the Medical Clinic on the ship. The inability to walk is an indication of peritonitis.

21. A wheelchair was not provided by the ship until at about 10:30 a.m., at which time Plaintiff wheeled his wife to the Medical Clinic with the expectation based on Carnival's representations, that the ship's doctor or other qualified medical personnel would be on duty or available to provide necessary attention because of the severity of her pain and discomfort. At that time Mrs. Showers was dressed only in her underwear and the ship's bathrobe, wore no make up and had not combed her hair.

22. On arrival at the Medical Clinic, the John Doe, the male Unidentified Crewmember, was in attendance behind a teller like opening or window, who was wearing a ship's officer's uniform with a tag that read "RN", and had an insignia badge or similar device that identified him as a ship's officer.

23. Plaintiff explained to the Unidentified Crewmember that his wife was in severe pain in her upper abdominal area and was extremely constipated. The attendant Unidentified Crewmember, believed at that time to have been a Registered Nurse based on the uniform tag,

did not perform any examination, and failed to take a history or ask any other questions, did not palpate her abdomen, and did not take her vital signs. He prescribed a Fleet's Enema which Plaintiff administered to his wife after departing the Medical Clinic, but which did not relieve Victoria's constipation.

24. The Unidentified Crewmember medical attendant advised Plaintiff to return to the Medical Clinic at 3:30 p.m. when the ship's doctor would be on duty.

25. After the failure of the enema to relieve Victoria's condition Plaintiff sought further assistance, and was only given another Fleet's Enema by the same male crewmember, which he also administered without success.

26. Because of Victoria's continuing and increasingly severe pain and discomfort, Plaintiff took her back to the Medical Clinic at about 3:30 to 4:00 p.m., to see the ship's doctor.

27. On return to the Medical Clinic, Victoria was initially seen by a female nurse, identified by Carnival to have been Defendant Karpiene, who was in uniform similar to the male nurse who attended her in the morning. Karpiene then took her to an examination room to be examined by the Ship's Doctor, Defendant Bulajic.

28. Victoria was then seen by a female doctor, identified by Carnival to have been Defendant Bulajic, who was also dressed in uniform, as a ship's officer and crewmember, who forced Victoria to walk a short distance into the examining room.

29. Carnival has claimed and represented that Karpiene and Bulajic were the only medical personnel assigned to and aboard the Carnival Dream for the subject cruise.

30. On information and belief, the doctor performed an examination, and concluded that Victoria was severely impacted and had a bowel obstruction, and told Plaintiff that his

wife's condition was an emergency, that if the fecal matter was not immediately removed, she would "explode" and had to be removed from the ship because of the medical emergency.

31. Doctor Bulajic stated that because of the medical emergency Victoria had to be immediately removed from the ship and transported to the hospital in Belize, where the ship was anchored, for emergency treatment to prevent serious complications. The doctor represented to Plaintiff that the hospital in Belize was "a good hospital to which they sent sick crew members for medical care when sickbay couldn't handle the problem."

32. Contrary to the Doctor's representations and as confirmed by the United States State Department and known to Carnival and Bulajic, the availability of advanced medical treatment in Belize is limited, even in Belize City, and serious injuries or illnesses often require evacuation to another country.

33. Although the doctor had labeled Victoria's condition a medical emergency, she was required to wait an additional 1.5 hours until the launch was used to load and return to the ship all of the other passengers who had disembarked in Belize before the launch was allowed to evacuate her from the ship for medical treatment.

34. Victoria was ultimately taken from the ship to the dock, and transported by ambulance to the Belize Medical Center.

35. By the time Plaintiff's decedent was seen at the Belize Medical Center, it was too late to arrange for a timely flight for emergency care and treatment at hospital in Miami, Florida.

36. The physician at the Belize Medical Center confirmed that Victoria was suffering from a serious bowel obstruction, and was in need of emergency care and treatment, including surgery. The Belize Medical Center was unable to render the kind of emergency surgical

treatment necessary to have any hope of relieving her condition. Intervention was limited to attempting a colonoscopy, which also failed to relieve her condition.

37. Plaintiff was unable to arrange for commercial air transportation to Miami, having missed the last flight out of Belize on that day (November 2, 2010).

38. Plaintiff was required to make arrangements for emergency medevac through Mondile Assistance to provide for a special air evacuation flight from Belize City to Miami, Florida on November 3, 2010.

39. Victoria arrived at the emergency room at the Kendall Regional Medical Center, in Miami, Florida in the early morning hours of November 4, 2010, followed by her admission to the hospital.

40. Following Victoria's admission for severe abdominal pain and obstructed bowel, emergency surgery was performed to deal with perforated viscous, severe sepsis and related problems. Existing peritoneal contamination of Victoria's abdomen gave her virtually no chance of survival. Medical treatment at that time could only prolong her dying process.

41. Victoria remained hospitalized from November 4, 2010 until December 22, 2010, during which time she was subjected to multiple surgical procedures, and treatments for bowel obstruction infection and complications from this condition, including shock, pneumonia and acute kidney injury. Notwithstanding the continuous intensive care and treatment, and the severe pain and suffering she endured, Victoria died on December 22, 2010.

42. As a direct and proximate result of the acts of defendants as set forth above and in the following paragraphs, Victoria was caused to suffer great pain and suffering, and loss of the joys and pleasures of life, and Plaintiff sustained the losses and damages hereinafter stated.

COUNT I
NEGLIGENCE, SURVIVAL
ALL DEFENDANTS
LAW OF BELIZE

43. Plaintiff restates each and every allegation in paragraphs 1 through 42 above, and hereinafter set forth.

44. Plaintiff and Victoria were citizens and residents of the State of Florida at the time of decedent's death.

45. The wrongful acts of defendants occurred while the Carnival Dream was anchored or otherwise secured, moored or at rest while in the port of Belize City, Belize, a sovereign nation.

46. Victoria was transported by water, motor launch, from the Carnival Dream while so located, to the dock and by ambulance to the Belize Medical Center, a hospital located in Belize City.

47. Victoria Showers was seen and admitted to the emergency department and thence admitted to the Belize Medical Center, where she also received treatment and care rendered by physicians who were on staff there.

48. Belize Medical Center did not have adequate staff or facilities to handle the medical emergency for which Victoria was sent or transported by Defendants.

49. Plaintiff made necessary arrangements to evacuate Victoria to Miami, Florida, to the Kendall Regional Medical Center, but he was able to do so only after the inordinate delays in identifying the severity of her condition and thereafter being subjected to the ship's failure to arrange for immediate air evacuation to a properly equipped and staffed medical facility instead of the delayed transport to the Belize Medical Center.

50. The voyage on the Carnival Dream was made pursuant to a passage ticket issued by Carnival Cruise Line to Plaintiff and Victoria as a contract of adhesion which among other obscure clauses, contained a provision which mandated that any action against Carnival could be brought only in the U.S. District Court for the Southern District of Florida.

51. Belize law provides:

On the death of any person after the commencement of this Act, all causes of action subsisting against or vested in him shall survive against, or, as the case may be, for the benefit of, his estate.

Laws of Belize, Administration of Estates, Ch. 197 [160], §26(4). It further provides:

The rights conferred by this section for the benefit of the estates of deceased persons shall be in addition to and not in derogation of any rights conferred on the dependents of deceased persons by sections 8 to 16 inclusive of the Torts Act,
. . . .

52. Although the laws of Belize provide for a full tort-based recovery for wrongful acts of negligence in Belize, including wrongful death and survival, the tort having occurred within its territorial limits, the forum selection clause of the passage contract precludes bringing the action in the courts of Belize. Therefore Belize is not an accessible foreign forum in which to bring this action, although the Courts of Belize would otherwise afford a remedy for the acts of Defendants.

53. The acts complained of as to Defendants all occurred within the territorial limits of Belize, although also within the definition of high seas under the Death on the High Seas Act.

54. Defendants are all of diverse citizenship, with Carnival Cruise Line being the fictitious name of an operating company owned and controlled by a corporation formed under the laws of the Republic of Panama, and with the ship being registered under and flying the flag of Panama, but also affiliated with Carnival PLC, a company or corporation formed under the

laws of the United Kingdom. There is no clear demarcation by or between the two or more entities that make up Carnival Corporation & PLC.

55. It is unclear whether the entity defendants have any actual allegiance to any state or jurisdiction given the mixed nature of the formation states, and the flag state, and other related or interrelated foreign sovereigns involved in Carnival's legal existence.

56. Because Carnival has a mixed origin and formation status, as well as flag states for its ships, it is not completely clear where the actual base of operations is situated, given that it is known by its own publications as Carnival Corporation, but also as Carnival Corporation & PLC, and the nature of its centers in the Republic of Panama and in England or the United Kingdom are not fully disclosed in its publications.

57. The laws of the United States otherwise affords jurisdiction to hear this matter, and preserves to the injured plaintiffs and Victoria a right to sue on a claim arising within the admiralty jurisdiction of the federal courts, which under the Death on the High Seas Act, allows such action to proceed to enforce a remedy provided for under applicable foreign law, in this case being the laws of Belize.

58. As a direct and proximate result of the negligence and carelessness of Defendants, and as to Carnival, directly and acting by and through its agents, servants, workman and employees, in the course and scope of their employments, as set forth above, prior to her death Victoria suffered extreme pain and suffering and loss of amenities and the enjoyment of life, and incurred substantial medical expenses for which her estate, by and through Plaintiff acting as its personal representative is entitled to recover along with funeral expenses and such other damages as are permissible and recoverable in a tort personal injury action.

WHEREFORE, Plaintiff demands against Defendants in an amount in excess of \$5,000,000.00, plus interest and costs of suit and delay damages and for a trial by jury on all issues so triable.

COUNT II
NEGLIGENCE, WRONGFUL DEATH
ALL DEFENDANTS
LAW OF BELIZE

59. Plaintiff restates each and every allegation in paragraphs 1 through 58 above, and those hereinafter set forth.

60. Belize law provides:

Where the death of a person is caused by a wrongful act, neglect or default which is such as would (if death had not ensued) have entitled the party injured to maintain an action for damages in respect of his injury thereby, the person who would have been liable if death had not ensued shall be liable to an action for damages, notwithstanding the death of the person injured, and although the death was caused under such circumstances as amount in law to felony.

Laws of Belize, Torts Act, Ch. 172 [134], § 9.

61. As a direct and proximate result of the negligence and carelessness of Defendants, and as to Carnival, directly and acting by and through its agents, servants, workman and employees, in the course and scope of their employments, as set forth above, Plaintiff has suffered the following damages: (a) medical and funeral expenses incurred by Plaintiff; (b) expenses for administration of Victoria's estate; (c) deprivation of the support and loss of consortium, counsel, aid, association, care, financial support, and the services of Victoria; (d) deprivation of the society, love and affection of Victoria, and (e) such other damages as are permissible and recoverable in a wrongful death action.

WHEREFORE, Plaintiff demands against Defendants in an amount in excess of

\$5,000,000.00, plus interest and costs of suit and delay damages and for a trial by jury on all issues so triable.

COUNT III
NEGLIGENCE OF CARNIVAL

62. Plaintiff restates each and every allegation in paragraphs 1 through 61 above as if here fully set forth.

63. Under maritime law, Carnival as a carrier owes a duty to its passengers such as Plaintiff and Victoria to exercise reasonable care under the circumstances to include furnishing sick and injured passengers such aid and assistance as an ordinarily prudent person would render under similar circumstances, and to arrange for prompt medical evacuation from the ship for medical emergencies.

64. Defendant Carnival was negligent and careless in that it failed to provide proper personnel to staff the Medical Clinic on the *Carnival Dream* on November 2, 2010, in that it allowed the Unidentified Crewmember, an untrained or incompetent employee, to staff the Medical Clinic, represent himself as an RN and ship's officer, thereby inducing Plaintiff and his decedent to rely upon this unqualified crew member for medical care and treatment.

65. The Unidentified Crewmember who Carnival held out as a qualified doctor or nurse by assigning or otherwise giving him access to the Medical Clinic, and by his wearing a ship's officer's uniform and accouterments including an RN tag, failed to take a medical history and to properly examine, diagnose, care for, and treat Victoria, and failed to immediately contact the ship's doctor or the master to deal with what was already a medical emergency which required immediate removal to a competent medical facility with the personnel and equipment needed to deal with this particular medical emergency.

66. The serious medical errors made by the Unidentified Crewmember were compounded by the improper assumption that Victoria suffered from a mild constipated condition, in prescribing a Fleets Enema on two occasions, without performing a proper evaluation, and in failing to engage competent medical consultation, and in failing to callout the ship's doctor or to consult with the ship's master or inform him of the situation.

67. Carnival was directly negligent and careless in the delay in providing a wheelchair as requested for Plaintiff to timely transport Victoria to the Medical Clinic, and in allowing the incompetent Unidentified Crewmember to stand in as a medical officer, to render improper treatment, and to fail to immediately advise the ship's master of the emergency and to require medical evacuation from the ship to a competent and properly qualified and equipped medical facility.

68. These initial errors were compounded by the delay in Victoria's seeing the ship's doctor, and thereafter, in failing to immediately arrange for emergency medical evacuation from the ship by air transport to a proper and medically competent facility for treating the medical emergency which was finally recognized by the ship's doctor in late afternoon, November 2, 2010.

69. With the initial signs of peritonitis, time was of the essence for Victoria to obtain appropriate medical treatment. Had she been evaluated, given antibiotics and an IV, and promptly evacuated to the United States following the initial visit to the Medical Clinic in the morning of November 2, 2010, Victoria may have survived.

70. Carnival was negligent in failing to develop, provide or follow appropriate procedures for handling medical situations where the ship's medical staff is not available

including ability to contact the medical staff and to notify the ship's master for appropriate action in the medical staff's absence, or to provide other qualified employees to evaluate and treat emergency medical conditions.

71. Even after the ship's master and crew were advised of the medical emergency declared by Doctor Bulajic, they failed and refused to provide immediate evacuation from the ship, and improperly, negligently and callously ignored Victoria's condition and mandated that she wait until all passengers were transported back to the ship by launch, before having the launch return to the ship to evacuate her to the dock for transport to Belize Medical Center, and failing to provide or arrange for alternate means of emergency evacuation.

72. Carnival's procedures or lack thereof for identifying and communicating medical emergencies to arrange for prompt medical evacuation coupled with the lack of adequate medical facilities for serious conditions in Belize as known by Carnival, resulted in substantial delay in the ultimate evacuation of Victoria to competent medical facilities in the United States.

73. As a direct and proximate cause of the foregoing negligence, carelessness and recklessness on the part of all Defendants, Plaintiff's decedent was caused to suffer a medical emergency without adequate or prompt treatment, which in turn was the direct and proximate cause of her prolonged intensive care, and ultimate death on December 22, 2010.

74. As a direct and proximate cause of the foregoing, Plaintiff and his family were caused to sustain and incur great pecuniary losses and damages, which include but are not limited to loss of the services and society of Victoria, substantial expenses for her medical and hospital care, funeral expenses, loss of Victoria's earnings and earning capacity and other income including Social Security benefits, loss of inheritance and loss the household services

and care provided by Victoria to Plaintiff and her family, and other pecuniary losses and expenses.

75. In addition to the foregoing, Plaintiff has been denied the care, attention and society of his wife; and the loss of companionship she provided.

76. In addition, Victoria was subjected to massive and excruciating pain, suffering, and discomfort, and loss of the joys and pleasures of life, as well as great embarrassment, from the time of her injuries to her untimely death.

77. As a direct and proximate result of the negligence and carelessness of Defendants, and as to Carnival, directly and acting by and through its agents, servants, workman and employees, in the course and scope of their employments, as set forth above, Plaintiff has suffered the following damages: (a) medical and funeral expenses incurred by Plaintiff; (b) expenses for administration of Victoria's estate; (c) deprivation of the support and loss of consortium, counsel, aid, association, care, financial support, and the services of Victoria; (d) deprivation of the society, love and affection of Victoria, and (e) such other damages as are permissible and recoverable in a wrongful death action.

WHEREFORE, Plaintiff demands against Defendants in an amount in excess of \$5,000,000.00, plus interest and costs of suit and delay damages and for a trial by jury on all issues so triable.

COUNT IV
MEDICAL NEGLIGENCE OF DEFENDANTS
BULAJIC AND KARPIENE

78. Plaintiff restates each and every allegation in paragraphs 1 through 77 above as if here fully set forth.

79. Because of Victoria's severe symptoms and extreme distress following three to four days of constipation, Karpiene was negligent and did not meet the requisite standard of care for emergency medical personnel and a registered nurse conducting triage by failing to recognize the seriousness of Victoria's condition, failed to adequately advise the physician, and unnecessarily delaying Victoria's examination by Defendant Bulajic.

80. Dr. Bulajic was negligent and failed to meet the requisite standard of care by, despite Victoria's serious condition involving a bowel obstruction which she knew could be fatal if not promptly and competently treated, despite knowledge to the contrary, represented to Plaintiff that the Belize hospital was a good facility which could handle the problem and directed Victoria's evacuation to that inferior and unqualified hospital. A reasonable and prudent medical professional in Bulajic's position would have ordered Victoria's emergency evacuation to Miami, and her failure to do resulted in severe pain and suffering and ultimately cost Victoria her life.

81. Defendant Bulajic was also negligent as a physician and emergency medical professional in her failure to properly instruct and control personnel manning the Medical Clinic by allowing unqualified persons such as the Unidentified Crewmember to be present in the Medical Clinic to attend patients such as Victoria, without supervision, without the proper training, knowledge, qualifications and experience, and without instructions for contacting the doctor in and/or the ship's master in emergency cases.

82. Dr. Bulajic failed to exercise the required degree of care by failing to properly supervise and instruct Karpiene on proper emergency triage and the need for prompt medical examination and attention by the attending physician under the facts and circumstances of this

case and the severe symptoms shown by Victoria, which negligence caused or contributed to the delay in Victoria's diagnosis and evacuation to a competent medical facility capable of providing the high degree of medical care required to treat the condition.

83. As a physician, Defendant Bulajic is vicariously liable for the acts and omissions of nurses or other medical personnel including Nurse Karpine and, assuming that he was subject to the doctor's supervision and control, the Unidentified Crewmember.

84. As a direct, proximate and foreseeable result of the negligence and fault of Bulajic, Karpine and the Unidentified Crewmember, Victoria received inadequate and injurious treatment and suffered severe and permanent injury resulting in her untimely death.

85. As a direct and proximate result of the negligence and carelessness of Defendants Bulajic, Karpine and the Unidentified Crewmember, as set forth above, Plaintiff has suffered the following damages: (a) medical and funeral expenses incurred by Plaintiff; (b) expenses for administration of Victoria's estate; (c) deprivation of the support and loss of consortium, counsel, aid, association, care, financial support, and the services of Victoria; (d) deprivation of the society, love and affection of Victoria, and (e) such other damages as are permissible and recoverable in a wrongful death action.

WHEREFORE, Plaintiff demands against Defendants in an amount in excess of \$5,000,000.00, plus interest and costs of suit and delay damages and for a trial by jury on all issues so triable.

COUNT V
NEGLIGENCE OF CARNIVAL BY APPARENT AUTHORITY

86. Plaintiff restates each and every allegation in paragraphs 1 through 85 above as if here fully set forth.

87. Under general maritime law, the Carnival Cruise's medical staff owed a duty of reasonable care under the circumstances which was breached as described above.

88. Carnival Cruises is vicariously liable for any and all of the negligent acts of its ship's master and its apparent agents, Bulajic, Karpiene and the Unidentified Crewmember, who it held out as officers and/or crewmembers of the *Carnival Dream* and a Carnival Cruises employee, inconsistent with being merely independent contractor shipboard medical personnel. Carnival represented to its passengers, including Plaintiff and Victoria, that Bulajic, Karpiene and the Unidentified Crewmember were its agents, employees and members of the crew of the *Carnival Dream* and had the authority to act for the benefit of it by, among other things:

89. Assigning Dr. Bulajic the title of Ship's Physician, and Karpiene as Ship's Nurse,

a. Requiring Bulajic, Karpiene and the Unidentified Crewmember to wear Carnival Cruise rather than scrubs generally worn by medical professionals, which uniforms included epaulets and stripes indicating rank and hierarchy among the ship's officers, thus making them appear to be a Carnival official;

b. Requiring Bulajic, Karpiene and the Unidentified Crewmember to wear name badges with the Carnival name and logo, giving them the authenticity of a Carnival official;

c. Requiring Plaintiff and Victoria to fill out forms with the Carnival logo while they were in the Medical Clinic;

d. Providing Bulajic, Karpiene and the Unidentified Crewmember with living quarters on the Carnival Dream,

e. Charging onboard medical treatment as an item on Plaintiff and Victoria's cruise account, and

f. Placing Bulajic, Karpiene and the Unidentified Crewmember under the command of the *Carnival Dream's* superior ranking officers.

90. At all times, Bulajic, Karpiene and the Unidentified Crewmember were acting within the course and scope of their apparent agency with Carnival.

91. Because Carnival represented and otherwise held out Bulajic, Karpiene and the Unidentified Crewmember were its agents, employees and members of the *Carnival Dream's* crew, Plaintiff and Victoria reasonably believed that Bulajic, Karpiene and the Unidentified Crewmember had the authority to act and, in fact, were acting for and on behalf of Carnival.

92. Plaintiff and Victoria reasonably acted on this belief and relied upon the apparent skill, care and authority Bulajic, Karpiene and the Unidentified Crewmember to fulfill the ship's duty of reasonable care and for its medical staff to provide proper medical treatment and evacuation to a competent medical facility appropriate to the nature and severity of Victoria's medical condition.

93. This reliance proved detrimental to Victoria as she received untimely and inadequate and injurious medical treatment and evacuation resulting in great pain and suffering and her untimely death.

94. As a direct and proximate result of the negligence and carelessness of Defendants Bulajic, Karpiene and the Unidentified Crewmember, as set forth above, Plaintiff has suffered the following damages: (a) medical and funeral expenses incurred by Plaintiff; (b) expenses for administration of Victoria's estate; (c) deprivation of the support and loss of consortium,

counsel, aid, association, care, financial support, and the services of Victoria; (d) deprivation of the society, love and affection of Victoria, and (e) such other damages as are permissible and recoverable in a wrongful death action.

WHEREFORE, Plaintiff demands against Defendants in an amount in excess of \$5,000,000.00, plus interest and costs of suit and delay damages and for a trial by jury on all issues so triable.

DEMAND FOR JURY TRIAL

95. The Plaintiff hereby demands a trial by jury on all issues so triable.

DATED this 31st day Of October, 2011.

Respectfully Submitted by:

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