

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

JANE DOE

Plaintiff,

vs.

CELEBRITY CRUISES, INC.

Defendant

COMPLAINT

COMES NOW, the Plaintiff, **JANE DOE**, by and through undersigned counsel, and sues the Defendant, **CELEBRITY CRUISES, INC.**, 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. The cause of action is in excess of \$75,000.00. There is diversity of citizenship. Plaintiff is a resident and citizen of the state of Oregon and *sui juris*. This is a maritime cause of action.
2. Plaintiff complied with all conditions precedent.
3. Defendant is 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.
4. The case is being pled in the pseudonym because the allegations are highly embarrassing and humiliating to the Plaintiff, as they involve a sexual assault.

5. On or about January 29, 2011, Plaintiff was a passenger aboard the Celebrity Solstice.
6. At all times material, on the aforesaid date, Celebrity Solstice was a cruise ship owned and/or operated by Defendant.
7. Defendant is a common carrier.
8. As a common carrier, Defendant owed Plaintiff a duty to protect and care for her safety and is strictly liable for crew members' intentional acts against Plaintiff.
9. At all times material, upon information and belief, Defendant employed a cabin steward named "Freddy" on board the Celebrity Solstice.
10. At all times material, Freddy acted with kindness and solicitude towards Plaintiff in order to gain her trust.
11. Defendant is responsible and/or strictly liable for the actions of its respective employees, servants and/or agents including the aforesaid Freddy.
12. On or about January 29, 2011, Plaintiff was in her passenger cabin preparing to shower to go to dinner. Freddy, her cabin steward, was in her cabin. Plaintiff had requested towels.
13. Freddy approached Plaintiff and told her he wanted to give her a hug goodbye as she was leaving the ship the following day when the cruise ended.
14. Before Plaintiff realized what was happening, Freddy was kissing her cheek and down her neck.
15. While Freddy was kissing and fondling Plaintiff, without her consent, Freddy started murmuring that Plaintiff should come to his cabin.

16. Plaintiff became alarmed, told Freddy to stop, and stepped on Freddy's foot. Freddy ran out of the cabin.

COUNT ONE-SEXUAL ASSAULT

17. Plaintiff realleges paragraphs one through sixteen.
18. On about January 29, 2011, Plaintiff was a fare-paying passenger on the Celebrity Solstice. Defendant owned and/or operated the Celebrity Solstice on the aforesaid date.
19. Freddy, as a member of the Solstice's crew, owed Plaintiff a duty to protect and care for Plaintiff's safety.
20. Instead of fulfilling his duty toward Plaintiff, Freddy intentionally and willfully breached this duty by sexually assaulting the Plaintiff.
21. Freddy sexually assaulted the Plaintiff by fondling and kissing Plaintiff and touching and speaking to her in a suggestive manner, implying to Plaintiff that Freddy wanted to have sex with her.
22. Defendant is responsible and/or strictly liable for the actions of their respective employees, and/or agents including the aforesaid Freddy.
23. Plaintiff did not consent to the sexual assault by Freddy.
24. Freddy intended at the time this was occurring to commit a sexual battery on Plaintiff and the attempted act was without Plaintiff's consent. In the alternative, Freddy intended to cause the Plaintiff to fear a sexual battery and the attempted act was without Plaintiff's consent.
25. As a result of the sexual assault by Freddy, Plaintiff was injured. She was caused to suffer extreme humiliation and embarrassment, and emotional anguish, and was

caused to question and doubt her own sexuality. Plaintiff was also placed in fear for her own personal safety. Plaintiff also suffered an aggravation of previously-existing latent conditions. Plaintiff had been raped ten (10) years ago. Plaintiff had recovered from this incident until she was a victim of the sexual assault alleged herein. Plaintiff lost the enjoyment of her cruise and future cruises. Plaintiff suffered from and is continuing to suffer from post traumatic stress disorder. Plaintiff incurred and is incurring the expense of psychological counseling and is expected to incur such further expenses in the future. Plaintiff's injuries are continuing and ongoing and Plaintiff will continue to suffer such losses and impairments in the future.

WHEREFORE, Plaintiff demands judgment from Defendant for compensatory and punitive damages, pre-judgment interest and costs. Jury trial is demanded.

DATED this 31st day of October, 2011.

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