

4. That at all times material hereto, the Defendant, CARNIVAL, was the owner, operator and /or charterer of the vessel *Paradise* and was a foreign corporation registered to do business in Florida.

5. At all times material, the Defendant , CARNIVAL, personally or through an agent:

Operated, conducted, engaged in, or carried on a business venture in this state and/or county, or had an office or agency in this state and/or county.

(a) Was engaged in substantial activity within this state.

(b) Operated vessels in the waters of this state.

(c) Committed one or more of the acts stated in Florida Statutes, Sections 48.081, 48.181 or 48.193.

(d) The acts of Defendant set out in this Complaint occurred in whole or in part in the county and/or state.

6. That at all times material, Defendant, CARNIVAL, owed a non-delegable duty to its passengers including the Plaintiff, EZRA, to exercise reasonable care to keep and maintain its premises in a condition reasonably safe for use by its passengers. In particular, Defendant, CARNIVAL, owed a duty to take such precautions as were reasonably necessary to protect its passengers including Plaintiff EZRA, from reasonably, foreseeable unsafe conditions on or about Defendant's premises and/or to warn its passengers of any such danger which Defendant knew or in the exercise of reasonable care, should have known or discovered.

7. On or about November 23, 2010, the Plaintiff EZRA, due to the Defendant Carnival's negligence, suffered an injury. This injury occurred due an unmarked,

inconspicuous hazard and slippery condition of the staircase between the Lido deck and the Promenade deck (floor 10 to floor 9), in the interior rear stairwell on the vessel *Paradise*, wherein the Defendant CARNIVAL allowed an unsafe condition to exist; thus, creating a hazard for the Plaintiff EZRA. As a result, Plaintiff EZRA slipped and fell down the staircase, fracturing his wrist, when his foot slipped off the wooden edge of the stairs. Upon later inspection, it was discovered that the carpeted staircase was wet and the wooden edge did not have an appropriate non-skid surface. Plaintiff EZRA sustained severe injuries as a result of the fall.

8. Defendant CARNIVAL was obligated to maintain the floors in a safe, dry and un-slippery condition, especially the stairwells, knowing that there was a probability that the floor would become wet, creating a dangerous hazard to passengers.

9. At that time, Plaintiff EZRA was unaware of the slippery stair and Defendant CARNIVAL failed to warn of the slippery unsafe condition so as to prevent the floor from becoming a hazard for their passengers and Plaintiff EZRA.

10. As a result of the slippery stairway, Plaintiff EZRA fell sustaining a severe injury and pain to his wrist.

11. Defendant CARNIVAL, its agents, servants and/or employees failed to take reasonable precautions for the safety of its passengers, including, Plaintiff EZRA, by failing to do any one or more of the following:

- (a) by failing to ensure that the stairwell was dry, safe and non-skid and free from an inconspicuous hazards for their guest/passengers such as Plaintiff EZRA.

- (b) by carelessly and negligently failing to provide appropriate warning to passengers such as Plaintiff EZRA of the likelihood of physical harm due to slippery floor surface areas.
- (c) by carelessly and negligently failing to maintain the floor and providing appropriate lighting to prevent or deter reasonably foreseeable injuries such as this.
- (d) In that master, owners or operators of the vessel failed to provide the Plaintiff with a safe vessel, appliances and appurtenances, and keep same in a safe condition.
- (e) Defendant and its corporate officers, servants, agents, employees and other persons for whom the Defendant was responsible, failed to take suitable precautions for the Plaintiff under the circumstance and conditions then existing. Said Defendant had actual and constructive notice of unsafe and dangerous condition.

10. As a direct and proximate result of the negligence of the vessel, the Plaintiff EZRA was caused to suffer severe bodily injury and permanent injuries which are still incapacitating and will be incapacitating in the future.

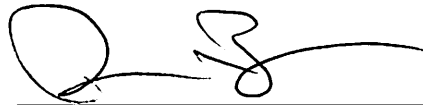
11. As a further direct and proximate result of this injury suffered by the Plaintiff, the Plaintiff EZRA will continue to suffer pain and mental anguish and has incurred medical expenses for the alleviation of this injury she has suffered, and has lost the enjoyment of leading a normal life, all of which injuries are permanent and continuing in nature.

WHEREFORE, the Plaintiff, SCOTT EZRA, demands judgment against the Defendant , CARNIVAL CRUISE LINES, for all damages as allowed under the General Maritime Law and for any other damage that this Court may deem fit and proper

DATED: November 4, 2011

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BY:

A handwritten signature in black ink, appearing to read 'D. Barnett', written over a horizontal line.

DAVID C. BARNETT, ESQUIRE
Florida Bar No.: 880711