

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. _____

IVAN SCOTT,
Plaintiff,

v.

CARNIVAL CORPORATION,
Defendant.

_____ /

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff sues Defendant and alleges:

PRELIMINARY ALLEGATIONS

1. Plaintiff, IVAN SCOTT (“Plaintiff”), is a citizen of Florida and is *sui juris*.
2. Defendant, CARNIVAL CORPORATION (“Defendant”) is a corporation incorporated under the laws of Panama with its principal place of business in Florida.
3. This matter is being filed pursuant to Defendant’s federal forum selection clause within its passenger ticket and, because there is no diversity among the parties, is brought under the admiralty and maritime jurisdiction of the Court. A jury is requested.
4. Defendant, at all times material hereto, personally or through an agent:
 - a. 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;
 - b. Was engaged in substantial activity within this state;
 - c. Operated vessels in the waters of this state;
 - d. Committed one or more of the acts stated in Florida Statutes §§ 48.081, 48.181 and/or 48.193;

e. The acts of Defendant set out in this Complaint occurred in whole or in part in this county and/or state.

f. The Defendant was engaged in the business of providing to the public and to the Plaintiff in particular, for compensation, vacation cruises aboard the vessel, the *Carnival Liberty*.

5. Defendant is subject to the jurisdiction of the Courts of this state.

6. The causes of action asserted in this Complaint arise under the General Maritime Law of the United States.

7. At all times material hereto, Defendant owned, operated, managed, maintained and/or controlled the vessel, the *Carnival Liberty*.

8. On or about May 30, 2011, Plaintiff was a paying passenger on the vessel, the *Carnival Liberty*, which was in navigable waters.

9. On or about May 30, 2011, Plaintiff was injured when he fell in the shower of his cabin.

COUNT I - NEGLIGENCE

Plaintiff re-alleges, adopts, and incorporates by reference the allegations in paragraphs one through nine as though alleged originally herein.

10. It was the duty of Defendant to provide Plaintiff with reasonable care under the circumstances.

11. On or about May 30, 2011, Defendant and/or its agents, servants, and/or employees breached its duty to provide Plaintiff with reasonable care under the circumstances.

12. Plaintiff was injured due to the fault and/or negligence of Defendant, and/or its agents, servants and/or employees as follows:

a. Failure to use adequate materials in the construction of the vessel and cabins, including, but not limited to, cabin showers; and/or

- b. Failure to use non-skid rubber mats and/or surfacing in cabin showers; and/or
- c. Failure to use products that increase the coefficient of friction on surfaces in cabin showers; and/or
- d. Failure to have adequate hand grabs and/or hand rails in cabin showers; and/or
- e. Failure to have an adequate flooring surface in the cabin shower; and/or
- f. Failure to warn Plaintiff of the danger presented by the flooring of cabin showers; and/or
- g. Failure to warn Plaintiff of the danger presented by the lack of adequate hand grabs and/or hand rails in cabin showers; and/or
- h. Failure to have seating in the cabin showers; and/or
- i. Failure to ascertain the reasonably anticipated sea conditions in the area before navigating the vessel; and/or
- j. Failing to affirmatively disclose to the Plaintiff that the vessel was being navigated in rough seas; and/or
- k. Failure to provide instruction to the Plaintiff before and/or while on the subject vessel with respect to cabin safety during rough sea conditions and/or ship's movement; and/or
- l. Failure to promulgate and/or enforce adequate procedures to ensure that Plaintiff would be warned of possible and/or reasonably anticipated risks of using the cabin shower during rough sea conditions and/or ship's movement; and/or
- m. Failure to ascertain the cause of prior similar incidents\accidents so as to take measures to prevent their re-occurrence and, more particularly, Plaintiff's incident; and/or
- n. Failure to provide adequate first response personnel on the subject vessel.

13. At all times material hereto, Defendant had exclusive custody and control of the above named vessel.

14. At all times material hereto, Defendant negligently failed to investigate and/or determine the hazards on the vessel to Plaintiff, failed to eliminate the hazard, failed to modify and/or minimize the hazard and failed to properly warn Plaintiff of the hazard. All of the above caused the Plaintiff to be injured.

15. Defendant knew of the foregoing conditions causing Plaintiff's accident and did not correct them, or the conditions existed for a sufficient length of time so that Defendant in the exercise of reasonable care under the circumstances should have learned of them and corrected them.

16. As a result of the negligence of Defendant, the Plaintiff was injured about Plaintiff's body and extremities, suffered personal injury, suffered physical pain, mental anguish, loss of enjoyment of life, disability, disfigurement, aggravation of any previously existing conditions therefrom, incurred medical expenses in the care and treatment of Plaintiff's injuries, suffered physical handicap, lost wages and his working ability has been impaired. The injuries are permanent or continuing in nature and Plaintiff will suffer the losses and impairments in the future. In addition, Plaintiff lost the benefit of Plaintiff's vacation, cruise, and transportation costs.

WHEREFORE, Plaintiff demands all damages entitled by law and demands jury trial of all issues so triable.

Dated on this 1st day of May, 2012 LIPCON, MARGULIES,
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