

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO:

Villein Villanueva

Plaintiff

v.

NCL America LLC

Defendant

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

Now comes the Plaintiff in the above-entitled matter and for his complaint states:

General Factual Allegations

1. The Plaintiff, Villein Villanueva, is a resident of California and a Citizen of the United States.
2. The Defendant, NCL America LLC, is a Limited Liability Company, duly organized and existing under the laws of the State of Delaware, with a principal place of business in Miami, Dade County, State of Florida.
3. On or about June 3, 2009, the Defendant, NCL America LLC , was doing business within the State of Florida.
4. On or about June 3, 2009, the Plaintiff, Villein Villanueva, was employed by the Defendant, NCL America LLC

5. On or about June 3, 2009, the Plaintiff, Villein Villanueva, was employed by the Defendant, NCL America LLC, as a seaman, and a member of the crew of the M/V PRIDE OF AMERICA.

6. On or about June 3, 2009, the Defendant, NCL America LLC, owned the M/V PRIDE OF AMERICA.

7. The Defendant, NCL America LLC, chartered the M/V PRIDE OF AMERICA from some other person or entity such that on or about June 3, 2009 the Defendant, NCL America LLC was the owner pro hac vice of the M/V PRIDE OF AMERICA.

8. On or about June 3, 2009, the Defendant, NCL America LLC, operated the M/V PRIDE OF AMERICA.

9. On or about June 3, 2009, the Defendant, NCL America LLC, or the Defendant's agents, servants, and/or employees, controlled the M/V PRIDE OF AMERICA.

10. On or about June 3, 2009, the M/V PRIDE OF AMERICA was in navigable waters.

11. On or about June 3, 2009, while in the in the performance of his duties in the service of the M/V PRIDE OF AMERICA, the Plaintiff, Villein Villanueva, sustained personal injuries.

12. Prior to and at the time he sustained the above-mentioned personal injuries, the Plaintiff, Villein Villanueva, was exercising due care.

Jurisdiction

13. This Court has subject matter jurisdiction over this matter pursuant to The Merchant Marine Act of 1920, commonly called the Jones Act, 46 U.S.C., §30104 , et. seq. (formerly §688 et. seq.).

14. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §1331, 28 U.S.C. §1332, and 28 U.S.C. §1333.

COUNT I

Villein Villanueva v. NCL America LLC

(JONES ACT NEGLIGENCE)

15. The Plaintiff, Villein Villanueva, reiterates the allegations set forth in paragraphs 1 through 14 above.

16. The personal injuries sustained by the Plaintiff, Villein Villanueva, were not caused by any fault on his part but were caused by the negligence of the Defendant, its agents, servants and/or employees.

17. As a result of said injuries, the Plaintiff, Villein Villanueva, has suffered pain of body and anguish of mind, lost time from his usual work and pursuits, incurred medical expenses, and has sustained and will sustain other damages as will be shown at trial.

18. This cause of action is brought under the Merchant Marine Act of 1920, commonly called the Jones Act.

WHEREFORE, the Plaintiff, Villein Villanueva, demands judgment against the Defendant, NCL America LLC , in the amount of two hundred fifty thousand dollars together with interest and costs.

COUNT II

Villein Villanueva v. NCL America LLC

(GENERAL MARITIME LAW - UNSEAWORTHINESS)

19. The Plaintiff, Villein Villanueva, reiterates the allegations set forth in paragraphs 1 through 14 above.

20. The personal injuries sustained by the Plaintiff, Villein Villanueva, were due to no fault of his, but were caused by the Unseaworthiness of the M/V PRIDE OF AMERICA.

21. As a result of said injuries, the Plaintiff, Villein Villanueva has, suffered pain of body and anguish of mind, lost time from his usual work and pursuits, incurred medical expenses, and has sustained and will sustain other damages as will be shown at trial.

22. This cause of action is brought under the General Maritime Law for Unseaworthiness and is for the same cause of action as Count I.

WHEREFORE, the Plaintiff, Villein Villanueva, demands judgment against the Defendant, NCL America LLC , in the amount of two hundred fifty thousand dollars, together with interest and costs.

COUNT III

Villein Villanueva v. NCL America LLC

(GENERAL MARITIME LAW - MAINTENANCE and CURE)

23. The Plaintiff, Villein Villanueva, reiterates all of the allegations set forth in Paragraphs 1 through 14 above.

24. As a result of the personal injuries described in paragraph 11 above, the Plaintiff, Villein Villanueva, has incurred and will continue to incur expenses for his maintenance and cure.

WHEREFORE, the Plaintiff, Villein Villanueva, demands judgment against the Defendant, NCL America LLC , in the amount of ten thousand dollars for maintenance and cure, together with costs and interest.

PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES

RAISED IN COUNTS, I, II, AND III.

Miami, Florida
June 1, 2012

By: /s/ Michael C. Black
MICHAEL C. BLACK, ESQUIRE
F.B.N. 0056162
mblack@marlaw.com
CASSIDY & BLACK, P.A.
Dadeland Square at the Greenery Mall
7700 North Kendall Drive, Suite 505
Miami, Florida 33156
Telephone: (305) 271-8301
Facsimile: (305) 271-8302
Counsel for Plaintiff, Villein Villanueva

To be appearing pro hac vice:

/s/ David F. Anderson
David F. Anderson, Esq.
Latti & Anderson LLP
30-31 Union Wharf
Boston, MA 02109
Telephone: (617) 523-1000
Facsimile: (617) 523-7384
DAnderson@LattiAnderson.com