

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO:

YESMINA PUCKETT,

Plaintiff,

vs.

CARNIVAL CORPORATION d/b/a
CARNIVAL CRUISE LINES,

Defendant

COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL

Plaintiff, **YESMINA PUCKETT** by and through undersigned counsel, hereby sues the Defendant, **CARNIVAL CORPORATION d/b/a CARNIVAL CRUISE LINES**, and alleges as follows:

1. This is an action for damages that exceeds this Court's minimum jurisdictional requirements, to wit, \$75,000.00, exclusive of all interest and costs. . This Court has jurisdiction based upon 28 USC § 1333 and the forum selection clause contained in the passenger ticket between Plaintiff and Defendant, and under the general maritime law of the United States.

2. At all times material, Plaintiff, **YESMINA PUCKETT**, was and is a resident of Phoenix, AZ, and at all times material was a passenger on Defendant's vessel, **Carnival Sensation**.

3. At all times material, Defendant, **CARNIVAL CORPORATION d/b/a CARNIVAL CRUISE LINES** (hereinafter "Defendant") personally or through an agent:

A. Operated, conducted, engaged and/or carried on a business venture in the State of Florida, and in particular Dade County, Florida;

B. Was engaged in substantial business activity in the State of Florida, and in particular, in Miami-Dade County, Florida;

C. Operated vessels and provided vessels for cruises in the waters of this

state;

D. Committed one or more acts as set forth in F.S. §48,081, 48.181 and 48.193, which submit the defendant to the jurisdiction and venue of this Court. Further, the defendant is subject to the jurisdiction of this Honorable Court due to the foregoing and 28 U.S.C. §1333 (1);

E. The acts of defendant set out in the Complaint occurred in whole or in part in Miami-Dade County and/or the State of Florida;

4. On or about May 28, 2011, Defendant owned and operated a passenger cruise ship known as the “**Carnival Sensation**,” such vessel being used as a passenger cruise vessel.

5. At such time and place, Plaintiff, **YESMINA PUCKETT**, was lawfully and legally aboard such vessel as a paying passenger attending a close friend’s wedding on the vessel as the maid of honor, with the actual and/or constructive consent of Defendant to be physically present aboard such vessel.

6. All conditions precedent to the institution of this action have been satisfied, or otherwise excused, including the pre-suit notice required by the terms and conditions of Defendants’ cruise ticket. (See notice letter attached as Exhibit “A”) (Ticket is no longer in Plaintiff’s possession).

7. On May 28, 2011¹ while on board the Carnival Sensation, the Plaintiff, **YESMINA PUCKETT**, was seriously injured when she slipped and fell on a wet substance on the outdoor surface of the Lido Deck, close to the pool bar and bathroom and as a result, she sustained serious injuries.

8. At all times material, Defendant, **CARNIVAL**, owed a duty to exercise reasonable care under the circumstances for the benefit of Plaintiff, **YESMINA PUCKETT**.

9. At all times material hereto, the Defendant’s actions presented a known, foreseeable and unreasonable risk of harm to the Plaintiff, **YESMINA PUCKETT**.

10. Defendant, **CARNIVAL**, breached its duty owed to Plaintiff by committing

¹ Defendant Carnival has agreed to an extension of the 1 year State of Limitations. See email confirmation as Plaintiff’s Exhibit B.

one or more of the following acts or omissions:

- A. Failing to provide a safe walking area on the outdoor surfaces of the Lido Deck for use by Plaintiff;
- B. Failing to follow its own methods of operation regarding outdoor deck maintenance and cleaning procedures;
- C. Failing to inform and warn Plaintiff of this known dangerous and unsafe condition, based in part open Carnival's policy requiring pool deck attendants to wear non-slip shoes when working in these pool decks, and failing to share this knowledge with Plaintiff;
- D. Negligently establishing and enforcing a method of operation for regular and effective inspection of the subject surface for the orderly and safe inspection and risk assessment of the vessel, its decks indoor and outdoor surfaces to discover dangerous and concealed conditions such as the above described condition;
- E. Defendant, **CARNIVAL**, having knowledge of the regularity of this dangerous condition on the Lido Deck on this and other fleet vessels, failed to remedy this dangerous condition despite knowledge;
- F. Failing to train crew members in risk assessment, inspection and reporting requirements including but not limited to preparation of and responding to Corrective action reports and taking and or recommending corrective action upon discovery of known dangerous conditions;
- G. Failing to comply with its own internal policies and procedures established by the ISM Code, SMS, SQM and other internal operational procedures required by the ISM Code, SOLAS, all applicable health, building and safety codes and ordinances in accordance with 33 CFR 96.100 et. seq., 46 USC Section 3201 et.

seq. and all Rules and Regulations, including, but not limited to all relevant NVIC's of the United States Coast Guard.

11. As a direct and proximate result of Defendant's negligence and Plaintiff's fall, Plaintiff, **YESMINA PUCKETT**, suffered bodily injuries and resulting pain and suffering, physical and mental pain and anguish, disfigurement, disability, loss of capacity for the enjoyment of life, expense of hospitalization and surgery, loss of earnings in the past, loss of the ability to earn money and impaired earnings capacity, expenses for physical therapy, and medical and nursing expenses. Said losses are either permanent or continuing in nature and Plaintiff will suffer these losses in the future.

WHEREFORE, Plaintiff, **YESMINA PUCKETT**, demands judgment, interest and costs against Defendant, **CARNIVAL CORPORATION d/b/a CARNIVAL CRUISE LINES**, a trial by jury and any such other relief to which the Plaintiff may be justly entitled. Moreover, Plaintiff demands Trial by Jury of all issues so triable as a matter of right.

Dated: June 15, 2012.

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By: /s/Glenn J. Holzberg
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