

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 23-24663-CV-WILLIAMS

NESTOR PERERA,

Plaintiff,

v.

CARNIVAL CORPORATION,

Defendant.

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**ORDER**


**THIS MATTER** is before the Court on Magistrate Judge Jonathan Goodman’s Report and Recommendation (DE 25) (“**Report**”) on Defendant’s Motion to Dismiss Complaint (DE 9) (“**Motion**”). In the Report, Magistrate Judge Goodman recommends that the Court grant in part and deny in part Defendant’s Motion, with leave for Plaintiff file an amended complaint. (DE 25 at 2–3.) Specifically, the Report finds that Plaintiff sufficiently alleged facts to support his claims regarding negligent maintenance (“**Count I**”), negligent failure to warn (“**Count II**”), negligent training (“**Count III**”) and negligent design (“**Count V**”) but insufficiently alleged facts to support his claim of negligent supervision (“**Count IV**”). (*Id.*) No objections were filed to the Report, and the time to do so has passed.

Upon an independent review of the Report, the Motion, the record, and applicable law, it is **ORDERED AND ADJUDGED** as follows:

1. The Report (DE 25) is **AFFIRMED AND ADOPTED**.

2. Defendant's Motion to Dismiss Complaint (DE 9) is **GRANTED IN PART AND DENIED IN PART**.
3. Count IV of Plaintiff's Complaint is **DISMISSED** without prejudice.
4. **WITHIN TEN (10) DAYS** of the date of this Order, Plaintiff may file an amended complaint that remedies the defects identified in the Complaint.

**DONE AND ORDERED** in Chambers in Miami, Florida, on this 9th day of May, 2024.

  
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KATHLEEN M. WILLIAMS  
UNITED STATES DISTRICT JUDGE