

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



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ADAM CSEPI, JENO CSANJA, JOSZEF BALOGH  
and ERSZEBET SZILAGYI,

CASE NO. USDC WP SDNY

12 CV 3498

Plaintiffs,

-against-

COMPLAINT AND JURY  
DEMAND

CARNIVAL PLC, CARNIVAL CORPORATION,  
COSTA CROCIERE, S.P.A.,

JUDGE SULLIVAN

Defendants.  
-----X

Plaintiffs, by their attorneys, RONAI & RONAI, L.L.P., as and for their Complaint,  
respectfully allege, upon information and belief:

**I. NATURE OF THE CASE**

1. This is an action for injuries sustained by the plaintiffs as a result of the negligence of the defendants herein on January 13, 2012.

**II. JURISDICTION AND VENUE**

2. Jurisdiction is predicated upon 28 U.S.C. sections 1332 (a)(2) and 1333.
3. The amount in controversy herein exceeds \$75,000.00., exclusive of costs.
4. Venue lies in the Southern District of New York in that defendant CARNIVAL PLC maintains a principal place of business within the Southern District of New York.

**III. THE PARTIES**

5. At all times mentioned herein, Plaintiffs were and still are citizens and residents of Hungary.

6. At all times herein mentioned, the defendant, CARNIVAL PLC, was and still is a foreign corporation, created, organized and existing under and by virtue of the laws of England-Wales and is licensed to do business in the State of New York.

7. At all times herein mentioned, the defendant, CARNIVAL CORPORATION, was and still is a foreign corporation, created, organized and existing under and by virtue of the laws of Panama and is licensed to do business in the State of New York.

8. At all times herein mentioned, the defendant, COSTA CROCIERE, S.p.A. was and still is a foreign corporation, created, organized and existing under and by virtue of the laws of Italy.

#### **IV. FACTUAL ALLEGATIONS**

9. On or about January 13, 2012, the *Costa Concordia*, carrying over 4,000 passengers and crew, struck a rock offshore Isola del Giglio, Grosseto, Italy, which tore a hole in its hull and which then allowed water in causing significant damage to the vessel, and ultimately causing it to capsize.

10. The captain of the *Costa Concordia*, Francesco Schettino, delayed the order to abandon ship and to deploy the lifeboats.

11. Approximately 35 people died and hundreds more were injured in the said allision and its aftermath.

12. Said allision resulted from the intentional, negligent and/or reckless act of the captain of the *Costa Concordia*, in an attempt to salute the people of Isola del Giglio, as well as the failure of Defendants CARNIVAL CORPORATION, CARNIVAL PLC and COSTA CROCIERE, S.P.A., to implement proper training, safety management systems and controls.

13. Further, the chaos that ensued after the allision led to further loss of life and injury and was the direct result of Defendants CARNIVAL CORPORATION, CARNIVAL PLC and COSTA CROCIERE, S.P.A.'s failure to create and implement a proper plan for the safety and evacuation of those onboard.

14. Defendants CARNIVAL CORPORATION, CARNIVAL PLC and COSTA CROCIERE, S.P.A., were responsible for preparing, instituting and maintaining safety programs for all companies and vessels under their control, including the *Costa Concordia*, and for ensuring that the crew of the *Costa Concordia* was familiar with the safety programs and were trained to follow them.

15. Further, Defendants CARNIVAL CORPORATION, CARNIVAL PLC and COSTA CROCIERE, S.P.A., were ultimately responsible for ensuring that the crew of the *Costa Concordia* adhered to the safety programs and followed them in an emergency, applying those programs and their training to evacuate those aboard the *Costa Concordia* safely, and without injury.

16. Defendants CARNIVAL CORPORATION, CARNIVAL PLC and COSTA CROCIERE, S.P.A., failed to fulfill their responsibility under governing laws and regulations and as a result many people unnecessarily were injured and/or lost their lives.

17. Each defendant herein is being sued for its independent acts of negligence, gross negligence, wanton disregard and other wrongdoing, all of which contributed to the *Costa Concordia* tragedy and the injuries or deaths of those individuals aboard, including the plaintiffs herein.

#### **V. ALTER EGO / SINGLE BUSINESS ENTERPRISE**

18. The foregoing paragraphs are repeated and re-alleged as if fully set forth herein.

19. On April 17, 2003, Defendants Carnival plc and Carnival Corporation completed a dual listed company ("DLC") transaction, which implemented a corporate structure in which Carnival plc owns and claims the assets of Carnival Corporation.

20. Defendant Carnival plc claims a portfolio of cruise brands in North America, Europe, Australia, and Asia, including Carnival Cruise Lines, Holland America Line, Princess Cruises, Seabourn, AIDA Cruises, *Costa Cruises*, Cunard, Ibero Cruises, P&O Cruises (Australia) and P&O Cruises (UK). In its 2011 annual report, Carnival plc represents that "[t]ogether, these brands operate 99 ships totaling 196,000 lower berths with 10 new ships scheduled to enter service between May 2012 and March 2016."

21. In short, when it represents itself to the public, Carnival plc and Carnival Corporation claim the revenues, income, earnings, assets, carrying capacity, employees and vessels operating as Carnival Cruise Lines. *Costa Crociere, S.P.A.*, is the alter ego of Carnival plc and Carnival Corporation, as more fully and specifically stated herein.

22. Defendants Carnival plc, Carnival Corporation and *Costa Crociere, S.P.A.*, have common owners, officers and directors.

23. When Carnival plc and Carnival Corporation account for their assets, revenues, passenger carrying capacity, and vessels, it does not exclude the *Costa Concordia*, and so counts that vessel as one of its own assets.

24. Because Carnival plc and Carnival Corporation include the *Costa Concordia* as one of its vessels for purposes of aggregating its own worth and financial condition and abilities to the public, the form of Carnival plc, Carnival Corporation and *Costa Crociere, S.P.A.*, should be disregarded. The failure to do so would allow the corporations to be used to perpetrate

fraud on Plaintiffs and others, in that Carnival plc and Carnival Corporation can claim the *Costa Concordia* as part of its holdings on one hand, but then avoid responsibility for that vessel on the other.

25. The entities Carnival plc, Carnival Corporation and Costa Crociere, S.P.A commingled assets, formally commingled their identities, and appear to be non-distinct.

26. For the foregoing reasons, among many others, Carnival plc, Carnival Corporation and Costa Crociere, S.P.A are alter ego corporations which are not entitled to maintain the fiction of their separate existence.

## **VI. CAUSES OF ACTION ON BEHALF OF ADAM CSEPI**

### *Negligence*

27. The foregoing paragraphs are repeated and re-alleged as if fully set forth herein.

28. Defendants herein are liable for injuries sustained by plaintiff ADAM CSEPI by reason of their negligence in failing to prepare and maintain safety programs for all companies and vessels under their control. Defendants were ultimately responsible for establishing, and ensuring that the crew of the *Costa Concordia* was familiar with the safety programs and that they were properly trained to follow them.

29. Most importantly, Defendants were ultimately responsible for ensuring that the crew of the *Costa Concordia* adhered to the safety programs and followed them in an emergency, applying those programs and their training to evacuate those onboard the *Costa Concordia* safely, and without injury.

30. The acts of the Defendants herein constituted negligence, which was a proximate cause of the injuries and damages suffered by plaintiff ADAM CSEPI herein.

*Gross Negligence*

31. The condition of the *Costa Concordia* and her appurtenances encountered by plaintiff ADAM CSEPI exposed him to extreme hazards. By allowing, requiring, or condoning the so called captain of the *Costa Concordia* to maneuver the vessel as he did, and to allow to exist, or fail to correct, the deplorable safety practices, poor training, and lax or deficient evacuation procedures onboard the *Costa Concordia*, Defendants were on notice of the dangerous condition onboard the vessel. Nonetheless, Defendants ignored these maneuvers, and the deplorable, poor, lax or deficient procedures onboard, and exposed plaintiff ADAM CSEPI to the consequences of their actions.

32. Defendants proceeded with knowledge or conscious indifference that their failure to prepare and maintain safety programs for all companies and vessels under their control, and their failure to ensure the crew of the *Costa Concordia* adhered to the safety programs and followed them in an emergency, applying those programs and their training to evacuate those onboard the *Costa Concordia* safely, would result in injury to those onboard the vessel, including plaintiff ADAM CSEPI. Despite that knowledge, and the understanding a high likelihood existed that injury would result from their acts or failures to act, Defendants proceeded in disregard, and subjected plaintiff ADAM CSEPI to the dangerous conditions which resulted from these acts and failures to act.

**VII. CAUSES OF ACTION ON BEHALF OF JENO CSANJA**

*Negligence*

33. The foregoing paragraphs are repeated and re-alleged as if fully set forth herein.

34. Defendants herein are liable for injuries sustained by plaintiff JENO CSANJA by reason of their negligence in failing to prepare and maintain safety programs for all companies and vessels under their control. Defendants were ultimately responsible for establishing, and ensuring that the crew of the *Costa Concordia* was familiar with the safety programs and that they were properly trained to follow them.

35. Most importantly, Defendants were ultimately responsible for ensuring that the crew of the *Costa Concordia* adhered to the safety programs and followed them in an emergency, applying those programs and their training to evacuate those aboard the *Costa Concordia* safely, and without injury.

36. The acts of the Defendants herein constituted negligence, which was a proximate cause of the injuries and damages suffered by plaintiff JENO CSANJA herein.

#### ***Gross Negligence***

37. The condition of the *Costa Concordia* and her appurtenances encountered by Plaintiff JENO CSANJA exposed him to extreme hazards. By allowing, requiring, or condoning the so called captain of the *Costa Concordia* to maneuver the vessel as he did, and to allow to exist, or fail to correct, the deplorable safety practices, poor training, and lax or deficient evacuation procedures onboard the *Costa Concordia*, Defendants were on notice of the dangerous condition onboard the vessel. Nonetheless, Defendants ignored these maneuvers, and the deplorable, poor, lax or deficient procedures onboard, and exposed plaintiff JENO CSANJA to the consequences of their actions.

38. Defendants proceeded with knowledge or conscious indifference that their failure to prepare and maintain safety programs for all companies and vessels under their control, and their

failure to ensure the crew of the *Costa Concordia* adhered to the safety programs and followed them in an emergency, applying those programs and their training to evacuate those onboard the *Costa Concordia* safely, would result in injury to those onboard the vessel, including plaintiff JENO CSANJA. Despite that knowledge, and the understanding a high likelihood existed that injury would result from their acts or failures to act, Defendants proceeded in disregard, and subjected plaintiff JENO CSANJA to the dangerous conditions which resulted from these acts and failures to act.

### **VIII. CAUSES OF ACTION ON BEHALF OF JOSZEF BALOGH**

#### *Negligence*

39. The foregoing paragraphs are repeated and re-alleged as if fully set forth herein.

40. Defendants herein are liable for injuries sustained by plaintiff JOSZEF BALOGH by reason of their negligence in failing to prepare and maintain safety programs for all companies and vessels under their control. Defendants were ultimately responsible for establishing, and ensuring that the crew of the *Costa Concordia* was familiar with the safety programs and that they were properly trained to follow them.

41. Most importantly, Defendants were ultimately responsible for ensuring that the crew of the *Costa Concordia* adhered to the safety programs and followed them in an emergency, applying those programs and their training to evacuate those aboard the *Costa Concordia* safely, and without injury.

42. The acts of the Defendants herein constituted negligence, which was a proximate cause of the injuries and damages suffered by plaintiff JOSZEF BALOGH herein.



### *Gross Negligence*

43. The condition of the *Costa Concordia* and her appurtenances encountered by Plaintiff JOSZEF BALOGH exposed him to extreme hazards. By allowing, requiring, or condoning the so called captain of the *Costa Concordia* to maneuver the vessel as he did, and to allow to exist, or fail to correct, the deplorable safety practices, poor training, and lax or deficient evacuation procedures onboard the *Costa Concordia*, Defendants were on notice of the dangerous condition onboard the vessel. Nonetheless, Defendants ignored these maneuvers, and the deplorable, poor, lax or deficient procedures onboard, and exposed plaintiff JOSZEF BALOGH to the consequences of their actions.

44. Defendants proceeded with knowledge or conscious indifference that their failure to prepare and maintain safety programs for all companies and vessels under their control, and their failure to ensure the crew of the *Costa Concordia* adhered to the safety programs and followed them in an emergency, applying those programs and their training to evacuate those onboard the *Costa Concordia* safely, would result in injury to those onboard the vessel, including plaintiff JOSZEF BALOGH. Despite that knowledge, and the understanding a high likelihood existed that injury would result from their acts or failures to act, Defendants proceeded in disregard, and subjected plaintiff JOSZEF BALOGH to the dangerous conditions which resulted from these acts and failures to act.

## **IX. CAUSES OF ACTION ON BEHALF OF ERSZEBET SZILAGYI**

### *Negligence*

45. The foregoing paragraphs are repeated and re-alleged as if fully set forth herein.

46. Defendants herein are liable for injuries sustained by plaintiff ERSZEBET SZILAGYI by reason of their negligence in failing to prepare and maintain safety programs for all companies and vessels under their control. Defendants were ultimately responsible for establishing, and ensuring that the crew of the *Costa Concordia* was familiar with, the safety programs and that they were properly trained to follow them.

47. Most importantly, Defendants were ultimately responsible for ensuring that the crew of the *Costa Concordia* adhered to the safety programs and followed them in an emergency, applying those programs and their training to evacuate those aboard the *Costa Concordia* safely, and without injury.

48. The acts of the Defendants herein constituted negligence, which was a proximate cause of the injuries and damages suffered by plaintiff ERSZEBET SZILAGYI herein.

#### ***Gross Negligence***

49. The condition of the *Costa Concordia* and her appurtenances encountered by Plaintiff ERSZEBET SZILAGYI exposed her to extreme hazards. By allowing, requiring, or condoning the so called captain of the *Costa Concordia* to maneuver the vessel as he did, and to allow to exist, or fail to correct, the deplorable safety practices, poor training, and lax or deficient evacuation procedures onboard the *Costa Concordia*, Defendants were on notice of the dangerous condition onboard the vessel. Nonetheless, Defendants ignored these maneuvers, and the deplorable, poor, lax or deficient procedures onboard, and exposed plaintiff ERSZEBET SZILAGYI to the consequences of their actions.

50. Defendants proceeded with knowledge or conscious indifference that their failure to prepare and maintain safety programs for all companies and vessels under their control, and their

failure to ensure the crew of the *Costa Concordia* adhered to the safety programs and followed them in an emergency, applying those programs and their training to evacuate those onboard the *Costa Concordia* safely, would result in injury to those onboard the vessel, including plaintiff ERSZEBET SZILAGYI. Despite that knowledge, and the understanding a high likelihood existed that injury would result from their acts or failures to act, Defendants proceeded in disregard, and subjected plaintiff ERSZEBET SZILAGYI to the dangerous conditions which resulted from these acts and failures to act.

#### **X. DAMAGES**

51. The foregoing paragraphs are repeated and re-alleged as if fully set forth herein.

52. As a direct and proximate result of Defendants' conduct, including negligence and gross negligence, each and every plaintiff herein suffered, or is entitled to claim, the following injuries and resultant damages, including, but not limited to:

- a. physical injuries, pain and suffering;
- b. mental anguish and psychological injuries, pain and suffering;
- c. past and future loss of earnings;
- d. punitive and moral damages;
- e. all such other and further damages as allowed by law, including but not limited to

attorneys fees and costs.

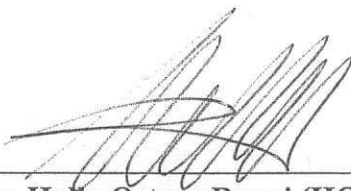
#### **XI. DEMAND FOR JURY TRIAL**

53. Plaintiffs demand a trial by jury for this action.

**XII. PRAYER FOR RELIEF**

WHEREFORE, plaintiff ADAM CSEPI demands judgment against Defendants for his causes of action in the amount of FIFTY MILLION (\$50,000,000.00) DOLLARS; plaintiff JENO CSANJA demands judgment against Defendants for his causes of action in the amount of FIFTY MILLION (\$50,000,000.00) DOLLARS; plaintiff JOSZEF BALOGH demands judgment against Defendants for his causes of action in the amount of FIFTY MILLION (\$50,000,000.00) DOLLARS; plaintiff ERSZEBET SZILAGYI demands judgment against Defendants for her causes of action in the amount of FIFTY MILLION (\$50,000,000.00) DOLLARS; and for such other and further relief as this Court deems just and proper.

Dated: Port Chester, New York  
May 1, 2012



By: **Holly Ostrov Ronai (HO 3923)**  
**Peter Ronai (PR 3228)**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ADAM CSEPI, JENO CSANJA, JOSZEF BALOGH  
and ERSZEBET SZILAGYI,

Case No:

Plaintiffs,

-against-

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COSTA CROCIERE, S.P.A.,

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**COMPLAINT AND JURY DEMAND**

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