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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JENNIFER MIRZA,

Plaintiff,

vs.

HOLLAND AMERICA LINE INC.,
HAL ANTILLEN N.V., and
HOLLAND AMERICA LINE N.V.,

Defendants.

AT LAW AND IN ADMIRALTY

CASE NO. 11-cv-1971

COMPLAINT FOR DAMAGES

DEMAND FOR JURY TRIAL

COMES NOW Jennifer Mirza, plaintiff herein, and for cause of action against defendants,
alleges as follows:

I. JURISDICTION & VENUE

1. This is an action by for damages due to personal injuries suffered while plaintiff was a fare-paying passenger aboard a cruise ship operating on navigable waters. Jurisdiction is vested in this court under 28 U.S.C. § 1332, in that there is complete diversity of citizenship between plaintiff and each of the defendants, none of the defendants being citizens of the same state as plaintiff, and the amount in controversy exceeds the sum of Seventy Five Thousand Dollars (\$75,000.00), exclusive of all interest and costs. In the alternative, jurisdiction is vested in this court pursuant to 28 U.S.C. § 1333, within the Admiralty Jurisdiction of this court, plaintiff’s claims arising from a tort which occurred on board a vessel engage in navigation on navigable waters.

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1 Venue is based on the forum selection clause included in the terms of the contract of carriage
2 between plaintiff and defendants.

3 **II. PARTIES**

4 2. At all times material hereto, JENNIFER MIRZA is and was a resident of the State
5 of California and was sui juris.

6 3. At all times material hereto, the defendant, HOLLAND AMERICA LINE INC. was
7 a Washington corporation, doing business in the Western District of Washington, and was an owner
8 and/or operator and/or an undisclosed agent for the owner and/or operator of the passenger vessel
9 OOSTERDAM.

10 4. At all times material hereto, the defendant HAL ANTILLEN N.V. was a Curacao
11 corporation, doing business in the Western District of Washington, and was an owner and/or
12 operator of the passenger vessel OOSTERDAM.

13 5. At all times material hereto, the defendant HOLLAND AMERICA LINE N.V. was
14 a Curacao corporation, doing business in the Western District of Washington, and was an owner
15 and/or operator of the passenger vessel OOSTERDAM.

16 6. On or about January 25, 2011 the defendants owned and operated a cruise ship known
17 as the OOSTERDAM (hereafter “vessel”), such vessel being used as a passenger cruise vessel.

18 7. At such time and place, the plaintiff JENNIFER MIRZA was lawfully and legally
19 aboard such vessel as a paying passenger, pursuant to a cruise ticket with the actual and/or
20 constructive consent of the defendants.

21
22 **FIRST CAUSE OF ACTION,
23 AGAINST ALL DEFENDANTS, FOR NEGLIGENCE**

24 8. On or about January 25, 2011 the vessel was in port, in Mexico and plaintiff was
25 aboard the vessel, on the Observation Deck, reading a book. While she was reading on the
26 Observation Deck, plaintiff heard an announcement that there would be a drill, and within seconds
27 of the announcement the vessel horn was sounded. The vessel horn was so loud that it caused

1 immediate pain and physical injury that was subsequently diagnosed as hearing loss due to acoustic
2 trauma, and resulted in serious and permanent damage to plaintiff's hearing.

3 9. On and prior to January 25, 2011, defendants, and each of them failed to take
4 reasonable care under the circumstances, and as a result were negligent in selecting, maintaining,
5 placing and sounding the vessel horn in such a manner as to expose passengers on the vessels
6 Observation deck to levels of sound capable of causing injury, and in failing to warn plaintiff that
7 the vessel horn would be sounded and of the danger to passengers seated in the vessels Observation
8 Deck.

9 10. As a direct and legal result of the incident alleged herein plaintiff was hurt and
10 injured in her health, strength and activity, sustaining severe physical injury to her body and shock
11 and injury to her nervous system and person, all of which injuries have caused and continue to cause
12 physical and emotional pain and suffering. Plaintiff is informed and believes, and thereupon alleges
13 that some or all of the injuries will result in permanent damage, disability, pain and suffering,
14 causing general damages in an amount within the jurisdictional requirements of this court.

15 11. As a further direct and legal result of the incident herein alleged, it was and continues
16 to be necessary for plaintiff to receive medical and/or psychological care and treatment and will be
17 so necessary for an indefinite time in the future. The cost of medical and/or psychological care and
18 treatment is not known at this time and plaintiff alleges as damages herein the amount of such cost
19 according to proof at trial.

20 12. As a further direct and legal result of the aforesaid negligence of the defendants, and
21 each of them, plaintiff was prevented from attending her usual occupation for a period of time and
22 has thereafter been impaired in attending to her usual occupation, and is informed and believes and
23 thereon alleges that she will continue to be so prevented and/or impaired for an indefinite period of
24 time in the future, thereby resulting in a loss of earnings and earning capacity to plaintiff, the exact
25 amount of which is unknown at this time. Plaintiff alleges as damages herein the amount of such loss
26 of earnings and earning capacity in an amount according to proof at trial.

