

5349/Complaint

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.

ANTHONY GIOVAN,

Plaintiff,

vs.

CELEBRITY CRUISES, INC.,

Defendant.

_____ /

COMPLAINT

COMES NOW the Plaintiff, ANTHONY GIOVAN, by and through his undersigned attorney and sues the Defendant, CELEBRITY CRUISES, INC., and alleges as follows:

1. This is an action involving the diversity of citizenship of the parties as more fully described below and for damages in excess of \$75,000. Alternatively, this case falls within the admiralty jurisdiction of this Court pursuant to 28 U.S.C. §1333.

2. Pursuant to a forum selection clause in the subject cruise ticket, this action must be brought in this Court.

3. The Plaintiff, ANTHONY GIOVAN, is an individual and resident of Holbrook, New York.

4. At all times material hereto, the Defendant, CELEBRITY CRUISES, INC. ("CELEBRITY"), is a foreign corporation with its principal place of business in Miami-Dade County, Florida and is a common carrier of passengers by water for hire at all material times hereto.

5. At all times material, the Defendant owned, managed, chartered and/or operated the cruise vessel M/V SUMMIT (hereinafter "SUMMIT").

6. On or about July 14, 2013, the Plaintiff, in consideration of the payment of a specified sum of money, boarded the "SUMMIT" for a pleasure cruise.

7. On or about July 18, 2013, the Plaintiff, ANTHONY GIOVAN, was showering in his stateroom when he was injured when the metal bar holding the shower head to the wall of the shower pulled out from the wall when Plaintiff went to hold onto the bar to brace himself while showering causing him to fall, resulting in multiple injuries including, but not limited to numerous broken ribs on his right side.

COUNT I -Negligence

The Plaintiff adopts and realleges the allegations in paragraphs 1 through 7 and alleges further that:

8. At all times material hereto, the Defendant owed the duty to the Plaintiff to exercise reasonable care under the circumstances for the Plaintiff's safety.

9. The Defendant breached its duty of care to the Plaintiff in that it failed to provide the Plaintiff with reasonably safe shower, failed to adequately maintain the shower in question, failed to provide an adequate metal bar in the shower, and failed to warn the Plaintiff of a dangerous and hazardous condition about which it knew or should have known.

10. As a direct and proximate result of the Defendant's aforesaid negligence, the Plaintiff has suffered, and continues to suffer, bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expenses of hospitalization, medical and nursing care and treatment, loss of earnings, loss

of ability to earn money and aggravation of a known or unknown previously existing condition. The losses are either permanent or continuing in nature and the Plaintiff will continue to suffer the losses in the future.

WHEREFORE, the Plaintiff, ANTHONY GIOVAN, demands judgment against the Defendant, CELEBRITY CRUISES, INC., in an amount in excess of \$75,000 to be determined at trial by a jury, together with interest and costs and other relief deemed just and appropriate by this Honorable Court.

PLAINTIF DEMANDS A TRIAL BY JURY ON ALL ISSUES.

July 15, 2014
Miami, Florida

Respectfully submitted,

S/ Michael C. Black

By: _____

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