

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NEWPORT NEWS DIVISION

**BETTIE JEANNINE KOONS**

*Plaintiff*

**v.**

**PRINCESS CRUISE LINES, LTD.,**  
D.B.A. PRINCESS CRUISES  
*Defendant Ship Operator*

**CARNIVAL CORPORATION,**  
D.B.A. CARNIVAL CRUISES  
*Defendant Cruise Ship Owner*

Civil Action No. 4:13-cv-37

**DR. JAMES L. PAPE,**  
*Individually and as agent or employee  
Of Carnival Corporation and/or  
Princess Cruise Lines*

**DR. ANTHONY SANDER**  
*Individually and as agent or employee  
Of Carnival Corporation and/or  
Princess Cruise Lines*

*Defendants*

**COMPLAINT**

COMES NOW, Plaintiff, Bettie Jeannine Koons, who at all times relevant herein is a citizen of the United States of America, and resident of Williamsburg, Virginia, who had a contract with the Defendants Princess Cruise Lines and Carnival Corporation and respectfully shows that:

1.

The Court has jurisdiction over this case under its diversity of citizenship jurisdiction pursuant to 28 U.S.C. § 1332. Plaintiff is a citizen of Virginia. Defendant Princess Cruise Lines, Ltd. is a corporation incorporated under the laws of California, with its principal place of business in California. Defendant Carnival Corporation is a corporation incorporated outside the United States, with its principal place of business in Florida. The defendant Dr. James L. Pape is not a citizen of Virginia. The defendant Dr. Anthony Sander is not a citizen of Virginia. The amount in controversy, without interest and costs, exceeds the sum or value specified by 28 U.S.C. § 1332.

2.

Made defendants herein are:

- A. PRINCESS CRUISE LINES, LTD. (hereinafter "PRINCESS CRUISE LINES"), a California corporation, doing business in California as Princess Cruises, operating the Golden Princess, whose address is 24305 Town Center Drive, Building 5/5, Santa Clarita, California 91355, whose agent for service of process is C T Corporation System, 818 W. Seventh Street Los Angeles, California, 90017. Princess Cruise Lines, Ltd. has in the past boarded passengers in Norfolk, Virginia, and now does on occasion make Norfolk, Virginia a port-of-call.
- B. CARNIVAL CORPORATION, doing business as CARNIVAL CRUISE LINES, is a corporation incorporated outside of the United States, but has its principal place of business in Miami, Florida, with its registered agent C T Corporation System, 818 West 7th Street, Los Angeles, California

90017, is the owner of the vessel the Golden Princess. Carnival does embark and disembark passengers at Norfolk, Virginia.

C. DR. JAMES L. PAPE, a doctor or medical employee aboard the Golden Princess in the employ or agency of Princess Cruise Lines and/or Carnival Corporation.

D. DR. ANTHONY SANDER, a doctor or medical employee aboard the Golden Princess in the employ or agency of Princess Cruise Lines and/or Carnival Corporation.

3.

**COUNT ONE:**

**DEFENDANTS PRINCESS CRUISE LINES AND CARNIVAL CORPORATION  
NEGLIGENTLY MAINTAINED THE PREMISES OF THE GOLDEN PRINCESS**

4.

At all times mentioned herein the complainant herein Plaintiff was a contract passenger and invitee upon the vessel of Defendants Carnival Corporation and Princess Cruise Lines, the Golden Princess, within the intendment of the General Maritime Law and Admiralty law. Defendant Carnival Corporation owns the Golden Princess and Defendant Princess Cruise Lines operates the vessel.

5.

On January 21, 2011, at approximately 4:00 p.m., Plaintiff was aboard the vessel of Defendants Princess Cruise Lines and Carnival Corporation, by virtue of a contract, when she tripped and fell on an inadequately marked step down of approximately four inches in the dining room area of the Golden Princess and was injured due to the negligence and failure of the crew

and personnel of Defendants Princess Cruise Lines and Carnival Corporation to take reasonable care under the circumstances to make the area reasonably safe.

6.

At all times mentioned herein the vessel of the Defendants Carnival Corporation and Princess Cruise Lines was travelling in navigable waters to its port of Hilo, Hawaii, when the Plaintiff was injured.

7.

At all times mentioned herein, the vessel of Defendants Princess Cruise Lines and Carnival Corporation was filled with passengers on a cruise, which, as advertised, began at the port of Los Angeles, California.

8.

On the voyage on which Plaintiff was a passenger, the cruise was in part particularly advertised to senior citizens, advertising knitting.

9.

Plaintiff was aboard the vessel of Defendants Carnival Corporation and Princess Cruise Lines and was walking in the dining room area when she fell on the step down of approximately four (4) inches that was inadequately marked as a step down or drop. Further, there were inadequate warnings or caution signs or illustrations that would warn passengers of the several inch drop. There were also no handrails to assist passengers with the step down or to provide support or save a passenger from falling in the event of a trip. Further, both upper and lower levels of the step down were extremely similar in color and appearance and the step down therefore could not be discerned by passengers. In addition, there were inadequate and

unreasonable slip prevention strips or any other safety device or instrumentality present that would indicate a drop of several inches.

10.

Plaintiff shows that the personnel of the vessel of Defendants Princess Cruise Lines and Carnival Corporation had notice of the unreasonable hazard created by the step because a fellow passenger had earlier slipped and fell in the very same dining room and had informed the employees and/or members of the crew of Defendants Princess Cruise Lines and Carnival Corporation of the hazardous condition. In addition, Plaintiff shows that the personnel of the Defendants Princess Cruise Lines and Carnival Corporation had notice of the unreasonable hazard created by the step through fault, lack of care, inattention, and negligence. The crew/agents of Defendants Princess Cruise Lines and Carnival Corporation failed to warn the passengers including Plaintiff of the dangerous condition, failed to take reasonable actions to warn the Plaintiff, did not install a handrail, did not install non-slip strips, did not install a warning sign, did not alter the appearance of the step to make the step down visible, nor otherwise remedy the unreasonable hazard created by the step.

11.

The personnel of the vessel of Defendants Princess Cruise Lines and Carnival Corporation had actual or constructive notice of the unreasonable hazards aboard the ship as a result of the injury and evacuation of a fellow female passenger prior to departure from the port of Los Angeles, California. The ship's departure had to be delayed to allow for the passenger to be escorted off the vessel and into an ambulance.

12.

Defendants Princess Cruise Lines and Carnival Corporation are vicariously liable for the negligence of their agents and/or employees under the doctrine of *respondeat superior* because all of their agents and/or employees were acting in the scope and course of their agency/employment.

13.

As a proximate result of the negligence of Defendants Princess Cruise Lines and Carnival Corporation, Plaintiff fell and suffered the following painful and disabling conditions that are set forth herein. Defendants Princess Cruise Lines and Carnival Corporation had actual or constructive knowledge of the dangerous condition near the step. Plaintiff falling was well within the scope of the risk of the negligence of the agents and/or employees of Defendants Princess Cruise Lines and Carnival Corporation. In addition, Plaintiff's injuries were reasonably foreseeable to Defendants Princess Cruise Lines and Carnival Corporation as a result of the negligence of their agents and/or employees.

14.

The proximate cause of the above-described accident was the fault, want of care, attention and skill, negligence and inadvertence of the crew and employees of the Defendants Carnival Corporation and Princess Cruise Lines, acting in the course and scope of their employment, aboard the Defendant's vessel, its crew, servants, or agents either individually or concurrently in the following non-exclusive respects:

- A. Breach of a legally imposed duty of reasonable care owed by the Defendants Princess Cruise Lines and Carnival Corporation to the Plaintiff.

- B. Failure to provide a reasonably safe place to walk aboard the ship including failure to install a handrail, non-slip surfaces or other warning devices near the step.
- C. Failure to provide a vessel with a competent crew and employees;
- D. Failure to take precautions for the safety of passengers or others aboard the Defendant's cruise liner vessel;
- E. Failure to properly train and supervise the crew and/or employees;
- F. Failure to take precautions for the safety of passengers or others aboard the Defendant's cruise liner vessel;
- G. Failure to use a safe means of monitoring the dining room area near the step and for failing to be present to warn and assist Plaintiff and other passengers;
- H. Failure to warn and protect the Plaintiff as she engaged in reasonable activities aboard the vessel of Defendants Princess Cruise Lines and Carnival Corporation at the time was unreasonably dangerous to do so because of the hazardous condition of the step and the lack of personnel to monitor and remedy the dangerous condition;
- I. In allowing the step area in the dining area of the vessel to become unreasonably dangerous in failing to properly monitor the area and assist the Plaintiff in her activities aboard the vessel of Defendants Princess Cruise Lines and Carnival Corporation.

15.

As a result of the negligence of Defendants Princess Cruise Lines and Carnival Corporation's agents and/or employees, Plaintiff slipped and violently struck the floor thereby causing Plaintiff to suffer serious injuries, including but not limited to:

- A. Traumatically induced fracture of Plaintiff's knee;
- B. Traumatic straining of the muscles and ligaments of Plaintiff's neck;
- C. Traumatic contusions;
- D. Concussion;
- E. Severe and constant migraine headaches;
- F. Severe vision problems;
- G. Severe balance problems or vertigo;
- H. The loss of ability to enjoy previously enjoyed activities;
- I. A loss of social interaction;
- J. Severe lacerations on her face;
- I. Severe bruising on the face, hands, chest, and back;
- K. Severe swelling of the knee;
- L. Extensive medical bills past, present, and future;
- M. Extreme pain and suffering;
- O. Exacerbation of arthritis pain;
- P. Concentration and cognitive difficulties;
- Q. Post-concussion syndrome;
- R. Post-traumatic stress disorder including nightmares and anxiety.
- S. Fracture of a vertebra and accompanying pain;

- T. Whiplash;
- U. Disfigurement.

16.

**COUNT TWO:**

**DEFENDANTS PAPE AND SANDER NEGLIGENTLY TREATED THE PLAINTIFF**

17.

On January 21, 2011, at approximately 4:00 p.m., Plaintiff began to receive medical treatment by the onboard doctors, Defendant Pape and Defendant Sander, as well as other medical staff, after her fall from the negligently maintained premises. From January 21-23, 2011, Plaintiff was under the care of defendant, Dr. James Pape, and defendant, Dr. Anthony Sander.

18.

Defendants Pape and Sander owed her a duty of reasonable care under the circumstances.

19.

During the time of January 21-23, 2012, Defendants Pape and Sander breached their duty of care owed to Plaintiff by failing to adequately or reasonably supervise and care for her. In particular they left Plaintiff alone for unreasonably long periods of time, positioned her in an unreasonable supine position for extended periods of time, failed to provide reasonable food for a period of 24 hours, and failed to position her in a way to allow her to even reach for the buzzer to call for help.

20.

Defendants Pape and Sander placed a Philadelphia neck collar contraption on Plaintiff during this time of medical care. This collar is unreasonably outdated and unreasonable to be used under the circumstances. Plaintiff repeatedly requested that she be removed from the immobilized position that she was in, but those requests were ignored, and she remained in the supine position for an unreasonably long period of time.

21.

The negligent treatment by Defendants Pape and Sander proximately caused Plaintiff to suffer a concussion as well as a variety of other symptoms which she still suffers from today, including but not limited to, severe and constant headaches, vision problems, vertigo, pain, a decrease in enjoyment of life, and an inability to participate in formerly enjoyed activities such as knitting.

22.

Defendants Carnival Corporation and Princess Cruise Lines are vicariously liable for the acts of Defendants Pape and Sander as employees under the doctrine of *respondeat superior* since Pape and Sander were acting within the scope of their employment or agency during this time.

23.

The injuries suffered by Plaintiff as a proximate result of the negligence of Defendants Pape and Sander were reasonably foreseeable and well within the scope of the risk of their negligence.

24.

Through their negligent medical treatment of Plaintiff, Defendants Pape and Sander breached their duty of reasonable care owed to Plaintiff. As a proximate result, Plaintiff suffered the injuries including but not limited to:

- A. Constant migraine headaches, which still continue;
- B. A traumatic concussion;
- C. A urinary tract infection;
- D. Severe pain on the neck and in the back of the head, which still continues;
- E. Severe emotional distress as the result of being inadequately supervised for three days;
- F. Severe emotional distress as the result of being inadequately fed;
- G. Severe emotional distress as the result of being restrained by the Philadelphia collar and therefore preventing sleep and comfort;
- H. Vision problems;
- I. Balance problems;
- J. Loss of enjoyment of previously enjoyed activities;
- K. Loss of social interaction and enjoyment;
- L. Extensive medical bills past, present, and future;
- M. Extreme pain and suffering;
- N. Bed sores;
- O. Continuing pain, which has required two additional emergency room visits in the past year;
- P. Exacerbation of arthritis pain;

- Q. Concentration and cognitive difficulties;
- R. Post-concussion syndrome;
- S. Bruises to the head and chest where the neck brace was placed;
- T. Post-traumatic stress disorder including nightmares and anxiety;
- U. Fracture of a vertebra and accompanying pain;
- V. Whiplash;
- W. Bald spots.

25.

**COUNT THREE:**

**DEFENDANTS CARNIVAL CORPORATION AND PRINCESS CRUISE LINES  
NEGLIGENTLY HIRED AND EMPLOYED DEFENDANTS PAPE AND SANDER**

26.

Defendants owed a duty to Plaintiff, as a contract passenger aboard their vessel, to once they decided to hire a doctor and/or other medical staff aboard their vessel to adequately and reasonably select, hire, and train reasonably fit doctors.

27.

Defendants Carnival Corporation and Princess Cruise Lines breached their duty of care owed to Plaintiff in selecting a reasonably fit and appropriate doctor and medical staff.

28.

As a proximate result of this breach of their duties by Defendants Carnival Corporation and Princess Cruise Lines, Plaintiff suffered considerable physical injuries. Plaintiff suffered serious injuries through the negligence and/or recklessness of Defendants Pape and Sander in their unreasonable and inadequate treatment and outdated procedures. Plaintiff's injuries were reasonably foreseeable and well within the scope of the risk of the negligence of Defendants Princess Cruise Lines and Carnival Corporation in selecting, training, and hiring of its doctors/medical staff.

29.

As a proximate result of the breaches of their duties of reasonable care owed to Plaintiff by Defendants Princess Cruise Lines and Carnival Corporation, Plaintiff suffered injuries including but not limited to:

- A. Constant migraine headaches, which still continue;
- B. A traumatic concussion;
- C. Severe pain on the neck and in the back of the head, which still continues;
- D. Severe emotional distress as the result of being inadequately supervised for three days;
- E. A urinary tract infection;
- F. Severe emotional distress as the result of being inadequately fed;
- G. Severe emotional distress as the result of being restrained by the Philadelphia collar and therefore preventing sleep and comfort;
- H. Vision problems;
- I. Balance problems;

- J. Loss of enjoyment of previously enjoyed activities;
- K. Loss of social interaction and enjoyment;
- L. Extensive medical bills past, present, and future;
- M. Extreme pain and suffering;
- O. Continuing pain, which has required two additional emergency room visits in the past year;
- P. Bed sores;
- Q. Exacerbation of arthritis pain;
- R. Concentration and cognitive difficulties;
- S. Post-concussion syndrome;
- T. Bruises to the head and chest where the neck brace was placed;
- U. Post-traumatic stress disorder including nightmares and anxiety;
- V. Fracture of a vertebra and accompanying pain;
- W. Whiplash;
- X. Bald spots.

30.

**DAMAGES**

Plaintiff prays for \$25 Million Dollars in damages which include but are not limited to past, present, and future medical and treatment bills, including nearly \$10,000 in medical bills aboard the Golden Princess; past, present, and future pain and suffering; past, present and future mental anguish, anxiety, distress and shock; past, present, and future loss of enjoyment of life; permanent disability and disfigurement; transportation costs from Hawaii back to Virginia of nearly \$2,000; and a \$300 disembarkation fee; as well as expenses and whatever additional expenses she may incur as a result of the incident mentioned herein during the pendency of these proceedings.

31.

The above-described incident was not caused or contributed to by the Plaintiff.

32.

Pursuant to the General Maritime Law of the United States of America, Defendants have the absolute and nondelegable duty to provide Plaintiff, with a safe place to walk through the dining room, a seaworthy vessel, appurtenances, a seaworthy crew, and to provide Plaintiff with a vessel reasonably fit for its intended purpose. Bettie Jeannine Koons specifically alleges that Defendants, breached these duties and that the aforementioned vessel was unseaworthy and that Defendants breached its duty to provide plaintiff with a safe environment.

33.

As a result of the aforementioned accident Plaintiff presently remains incapable of returning to her normal life. Furthermore, Plaintiff is still undergoing medical treatment for her injuries and has suffered hearing loss as a result of her injuries aboard the ship.

34.

As a result of the accident described above Plaintiff was forced to obtain medical treatment, and is still undergoing medical treatment, and has suffered and will continue to suffer restrictions and limitations on her activities.

35.

Plaintiff further requests the full costs of prosecution of this case, including but not limited to travel costs, reasonable accommodations, board, filing fees, attorney fees, and other similar and reasonable costs.

36.

Plaintiff further prays for punitive damages in an amount reasonable for the negligence of Defendants Princess Cruise Lines and Carnival Corporation in maintaining a reasonably safe area for Plaintiff.

Plaintiff further prays for punitive damages in an amount reasonable for the gross and wanton recklessness and/or negligence of Defendants Pape and Sander in failing to provide reasonable medical care to the Plaintiff after she fell, failing to provide adequate attention and food for long periods of time, and for performing outdated and unreasonable procedures on the Plaintiff resulting in considerable injuries and emotional distress.

37.

Plaintiff further requests a jury trial pursuant to the savings to suitors clause.

**WHEREFORE, PLAINTIFF, BETTIE JEANNINE KOONS, PRAYS, that:**

1. That certified copies of this Complaint, together with citation be issued and served accordingly to the law on the Defendants.

2. After the lapse of all legal delays and due proceedings be had, that here be judgment against Defendants, jointly, severally, and in solido and in favor of Plaintiff, Bettie Jeannine Koons, in such amounts as have been alleged before or may be proven at trial;

3. For all legal interest from the date of injury on all amounts awarded, and for all costs of these proceedings until paid, and attorney's fees;

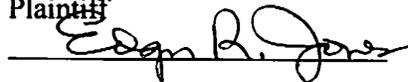
4. For all necessary orders and decrees as may be required or proper in the premises and for full general and equitable relief; and

5. This Complaint be filed with this Honorable Court and be deemed "sufficient and good.

Respectfully submitted this thirteenth day of March 2013.

**BETTIE JEANNINE KOONS**

Plaintiff

A handwritten signature in black ink, appearing to read "Edgar R. Jones", is written over a horizontal line.

**By Counsel**

**Edgar R. Jones, Esq.**

**V.S.B. No. 24169**

**G.S.B. No. 399915**

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