

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO.

ESTATE OF BETTY B. NOVICK,

Plaintiff,

vs.

NCL (BAHAMAS) LTD., a foreign corporation,

Defendant.

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**COMPLAINT**

Plaintiff, Joseph A. Novick, as the personal representative of the Estate of Betty B. Novick, deceased, sues Plaintiff, NCL (Bahamas), Inc., for damages and alleges as follows:

1. Plaintiff Joseph A. Novick is the widow of decedent Betty B. Novick.
2. Joseph A. Novick has been appointed the personal representative of the Estate of Betty B. Novick, deceased.
3. Defendant, NCL (Bahamas) Ltd., is a foreign corporation operating seagoing vessels in the state of Florida. On December 11, 2014, the Defendant operated the NORWEGIAN PEARL, embarking on a cruise, which left out of the port in Miami, Florida, stopping in St. Thomas, St. Kitts, St. Lucia, Willemstad, Aruba, and then returned to Miami on December 22, 2014.
4. This is a claim for wrongful death and survivor damages filed by the personal representative of Betty B. Novick's Estate on behalf of all beneficiaries and survivors.
5. Plaintiffs claim all damages allowable pursuant to the General Maritime Law of the United States and the Death on the High Seas Act.

6. On Thursday, December 11, 2014, Mr. Joseph Novick and his wife, Betty B. Novick, deceased, boarded the NORWEGIAN PEARL for a 17-day cruise.

7. On December 17, 2014, the NORWEGIAN PEARL was located "at sea" between St. Lucia and Willemstad, Netherland Antilles. That evening, Mr. Novick and his wife Betty B. Novick, went to Le Bistro restaurant aboard the ship to eat dinner. Mr. and Mrs. Novick were seated alone and in a large round booth.

8. Mr. and Mrs. Novick ordered steak for the main course of their dinner. After two bites of the steak, Mr. Novick asked their waitress if she would cut the steak for Mrs. Novick. This was usually done for her by Mr. Novick, but he had sustained an injury to his right arm from a fall on the cruise ship earlier that trip and could not use it while it was injured and in a sling at the time they were eating dinner that night.

9. Mr. and Mrs. Novick's waitress cut up Mrs. Novick's steak as requested.

10. After taking bite, Mrs. Novick stood up and began patting her back, visibly choking or in distress of some kind. One waiter came over to the table and Mr. Novick called out to the waitress for help, pointing out that his wife was choking. This waitress did nothing to help Mrs. Novick, and instead walked away from their table.

11. A second waitress came over to the Novick's table a couple of minutes later and asked Mr. Novick if she could cut up the steak. Mr. Novick again pointed out that his wife was choking and requested the waitress' assistance.

12. After a few more minutes of continuing to choke on her steak, Mrs. Novick eventually slumped down into the booth, falling off the seat and onto the floor. Four other passengers from the restaurant tried to lift Mrs. Novick, but they were unable to do so. She was still choking at this time.

13. Another passenger then went to the hostess or waitress and asked them to send for help. Mrs. Novick remained choking on the floor. From the time that Mrs. Novick began choking until a doctor was called, approximately ten minutes and transpired.

14. After approximately another ten minutes, a cruise ship doctor finally came to the restaurant to help Mrs. Novick.

15. Patrons/passengers from the restaurant had begun to gather around the Novick's table. Waitresses told the passengers to "go away" and then held up white sheets all around the Novicks' table while the shipboard doctor "worked on" Mrs. Novick.

16. The shipboard doctor performed CPR and other measures on Mrs. Novick for approximately one half hour, but by the time the doctor had arrived to the scene Mrs. Novick was unfortunately too far gone.

17. As a result of the crew members' failure to timely aid Mrs. Novick, or get timely medical care to aid her, Mrs. Betty B. Novick died on the ship in the Le Bistro restaurant that evening, on December 17, 2014.

18. Defendant, NCL (Bahamas) Ltd., was negligent in the failure to provide reasonable assistance and care under the circumstances to Mrs. Novick and was a direct cause of the wrongful death of Mrs. Betty B. Novick due to the following acts of omission and commission:

- a. failing through its crewmembers and staff to perform the Heimlich maneuver or other CPR measures after at least two (2) crew members witnessed Mrs. Novick visibly choking by coughing and patting her back;
- b. failing to have a safety protocol in place for crew members to respond to choking passengers, or

- c. failing to follow the safety protocols in place for choking passengers,
- d. failing to train crew members working in restaurants to be able to perform the Heimlich maneuver, CPR, or other life saving measures, or
- e. failing to call the ship doctor or other medical staff in a reasonable amount of time upon witnessing that Mrs. Novick was choking.

19. As a direct result of the negligence of Defendant, NCL (Bahamas), Ltd., its officers, directors, employees, agents and owners, Betty B. Novick choked on her food at Le Bistro restaurant and died, and the following damages are claimed:

- a. Mr. Joseph A. Novick:
  - i. Lost support and services in the past and future,
  - ii. Loss of decedent's companionship for him,
  - iii. Mental pain and suffering.
- b. Estate of Betty B. Novick:
  - i. Funeral expenses due to her death,
  - ii. Loss of earnings,
  - iii. Loss of the prospective net accumulations of her estate,
  - iv. Pre-death pain and suffering.

WHEREFORE, Plaintiff the Estate of Betty B. Novick, deceased, pray for a judgment to be entered against the Defendant, NCL (Bahamas), Ltd., for compensatory damages in the amount of \$1,000,000.00 together with pre-judgment and post judgment interest and costs.

Plaintiff demands a trial by jury.

/s/ Jacob J. Munch

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