

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.:

IN ADMIRALTY

FRANCE BRAYMAN,

Plaintiff,

vs.

NCL (Bahamas) LTD., A Bermuda Company,  
d/b/a NORWEGIAN CRUISE LINES, INC.

Defendant.

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**COMPLAINT**

**COMES NOW**, the Plaintiff, **FRANCE BRAYMAN**, by and through undersigned counsel, and sues the Defendant, NCL (Bahamas) LTD., A Bermuda Company, d/b/a NORWEGIAN CRUISE LINES, INC. and further states as follows:

**GENERAL ALLEGATIONS**

1. This is a cause of action which is brought in the District Court for the Southern District, Florida pursuant to 46 U.S.C. 740, Admiralty Rule 9 (h), and the forum selection clause of Plaintiff's passenger cruise ticket with Defendant. There is no diversity of citizenship. Plaintiff is a citizen and resident of the state of Florida. This is a maritime cause of action.
2. Plaintiff has complied with all conditions precedent or, in the alternative, said precedent conditions do not apply to this Plaintiff.
3. Defendant NCL (Bahamas) LTD., A Bermuda Company, d/b/a NORWEGIAN CRUISE LINES, INC., is, upon information and belief, a foreign corporation,

which is licensed to do business in Florida as a cruise line. Defendant's base of operations is in Miami, Dade County, Florida.

COUNT ONE-NEGLIGENCE

4. Plaintiff reavers and realleges paragraphs One through Three as if set forth herein.
5. On or about December 10, 2012, Plaintiff was an adult fare paying passenger on Defendant's vessel NORWEGIAN DAWN. Defendant owned and/or operated the NORWEGIAN DAWN on the aforesaid date. Defendant granted Plaintiff an extension of the one year statute of limitations period through July 1, 2014 to enable Plaintiff to complete her medical care and reach maximum medical improvement before filing suit in this matter.
6. At all times material Defendant owed Plaintiff a duty of reasonable care in the circumstances aboard its vessel.
7. Notwithstanding Defendant's duty as aforesaid, Defendant breached its duty by unreasonably:
  - a) Failing to properly maintain a passenger deck in a reasonably safe condition, and/or;
  - b) Failing to design a passenger deck in a reasonably safe manner, and/or;
  - c) Failing to properly and safely warn Plaintiff of the dangers of walking on a passenger deck, and/or;
  - d) Failing to have a reasonably safe non-slip deck surface on a passenger deck, and/or;
  - e) Failing to keep a passenger deck clean and dry, and/or;
  - f) Failing to properly construct a passenger deck using materials that would

not be dangerously slippery when wet, and/or;

g) Failing to properly train crew members in keeping a passenger deck clean and dry.

8. As a result of the foregoing, the Plaintiff was seriously injured when she slipped and fell on a wet and slippery passenger deck, landing with great force on her left knee. Plaintiff was walking towards the barbecue area on the pool deck. Plaintiff walked through a sitting area flanking the pool. Plaintiff thought at the time that the area was merely wet but then thought that suntan or other clear-type oil had also been spilled on the deck because it was so highly slippery when she stepped in it.
9. At all times material, the Defendant either created the dangerous conditions of which Plaintiff complains and/or the dangerous conditions existed for a sufficient period of time that Defendant had constructive knowledge of the dangerous conditions and/or Defendant had actual knowledge of the dangerous conditions hereinbefore alleged in paragraph seven to have caused or contributed to causing Plaintiff's injury.
10. At all times material, Plaintiff acted with due care for her own safety.
11. At all times material hereto, Defendant was in direct control of the vessel where Plaintiff was injured.
12. As a result of the negligence of the Defendant as aforesaid, the Plaintiff was injured in and about her body and extremities and suffered pain, mental and emotional distress and anguish therefrom; Plaintiff suffered complex tears of the meniscus in her left knee which eventually required surgery after a long period of

conservative care that included injections and physical therapy, as well as low back and spinal pain. She incurred medical expense and physical handicap and a loss of the ability to enjoy life; suffered a loss of earnings and loss of earning capacity, suffered an aggravation of known and previously unknown pre-existing conditions, suffered a loss of enjoyment of the cruise. Said personal injuries are permanent and/or continuing in nature and the Plaintiff shall continue to suffer such losses and impairments in the future.

WHEREFORE, Plaintiff demands judgment from Defendant for damages, pre-judgment interest and costs.

DATED this 23<sup>rd</sup> Day of June, 2014.

Respectfully submitted,

By: //s// Paul M. Hoffman  
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