

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

**IN ADMIRALTY
CASE NO:**

LISA APPELBAUM,

Plaintiff,

v.

CARNIVAL CRUISE LINES, and
CARNIVAL CORPORATION d/b/a
CARNIVAL CRUISE LINES, INC.,
a Panama Corporation,

Defendants.

COMPLAINT

COMES NOW the Plaintiff, LISA APPELBAUM, by and through the undersigned attorney and files this Complaint against the Defendants, CARNIVAL CRUISE LINES and CARNIVAL CORPORATION d/b/a CARNIVAL CRUISE LINES, INC., for damages, and in support thereof, the Plaintiff states the following:

JURISDICTION

1. This is a case of admiralty and maritime jurisdiction stating a maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure as hereinafter more fully appears. This Court has original jurisdiction through Article III, Section 2, of the United States Constitution. Original jurisdiction is further conferred over this matter pursuant to 28 U.S.C. §§ 1331 and 1333.

2. This is a cause of action based upon negligence under the General Maritime and Admiralty Laws of the United States.

PARTIES

3. At all times material hereto, Plaintiff, LISA APPELBAUM, was a passenger aboard the Defendants' vessel, M/V VICTORY.

4. At all times material hereto, Defendants, CARNIVAL CRUISE LINES and CARNIVAL CORPORATION d/b/a CARNIVAL CRUISE LINES, INC. (hereinafter, "CARNIVAL CORPORATION"), was a foreign corporation licensed to and conducting business in the State of Florida, providing cruise voyages to paying passengers, and owned and/or operated a cruise ship known as the M/V VICTORY.

5. At all times material hereto, the M/V VICTORY was an ocean going vessel of unknown flag. Upon information and belief, Defendant, CARNIVAL CORPORATION, is the owner of the said vessel.

VENUE

6. Venue is proper in the Southern District of Florida, Miami Division, pursuant to 28 U.S.C. § 1391 in that Defendant's principal place of business is located in this District, and this action arose from injuries sustained on the Defendant's sea-going cruise that originated from Miami, Florida.

7. Defendant has agreed in writing that jurisdiction and venue are proper in the Southern District of Florida pursuant to its letter dated February 25, 2014, a copy of which is attached hereto as Exhibit "A".

GENERAL BACKGROUND

8. The Plaintiff, LISA APPELBAUM, boarded the vessel, M/V VICTORY, pursuant to a ticket of passage for a cruise scheduled to set sail on August 29, 2013, from Miami, Florida.

9. In all respects, the Plaintiff dutifully paid for her ticket and berth on the vessel, and completed all conditions precedent to bringing this cause of action; including providing timely notice thereof.

10. During said voyage on Defendant's cruise, on August 31, 2013, after a late dinner, Plaintiff's traveling group met at one of the ship's clubs. While at the club one of the ship's other passengers, Aswad Valentine, began making insulting and derogatory remarks to the Plaintiff. Aswad Valentine was obviously intoxicated and was also making insulting and derogatory remarks to other members of the Plaintiff's party.

11. During this verbal assault on the Plaintiff, Aswad Valentine punched the Plaintiff in the face. Members of the Plaintiff's party came to her defense and subdued Aswad Valentine.

12. The ship's security members were in the club in close proximity to the Plaintiff and Aswad Valentine while Aswad Valentine threatened the Plaintiff, but Defendant's security made no attempt to intervene until after the assault on the Plaintiff. It was not until after the Plaintiff's party members had subdued Aswad Valentine that the ship's security officers restrained Aswad Valentine.

13. Security removed Aswad Valentine from the scene. Unbeknownst to the Plaintiff, Defendant's employees did not take the dangerous and unruly passenger into custody, but instead released Aswad Valentine ostensibly to return to his room. The Plaintiff later discovered that Aswad Valentine had been left free to roam the ship for the remainder of the cruise.

14. Once in port, Miami-Dade Police Department Officers came on board and took statements from the Plaintiff and her party members.

COUNT I - NEGLIGENCE

Plaintiff realleges and incorporates paragraphs one (1) through fourteen (14) herein, and further alleges as follows:

15. Under the General Maritime Laws of the United States, Plaintiff, LISA APPELBAUM, was entitled to a safe voyage on a reasonably safe vessel, and Defendant owed a duty of reasonable care to the Plaintiff to provide such.

16. The Defendant breached its duty of care to the Plaintiff, in that, Defendant did not maintain the vessel in a safe condition for its passenger, LISA APPELBAUM, as more fully stated above, including that the Defendant failed to restrain a dangerous and violent male passenger from assaulting and battering the Plaintiff; Defendant had more than ample opportunity to restrain the violent passenger; and Defendant had more than enough notice through its employees and security of the violent actions of the passenger before he attacked the Plaintiff. Defendant further breached its duty to the Plaintiff by providing so much alcohol to Aswad Valentine that he was noticeably and visibly intoxicated.

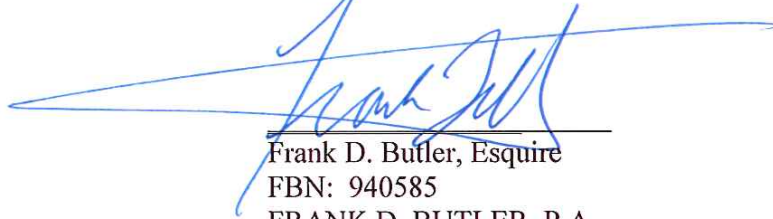
17. As a direct and proximate result of this carelessness and negligence of Defendant and/or Defendant's employees and/or agents, Plaintiff was violently attacked. Plaintiff suffered pain from said injuries and the injuries are either permanent or continuing in nature, and Plaintiff will suffer losses and impairment in the future.

18. As a further direct and proximate result of this carelessness and negligence of Defendant and/or Defendant's employees and/or agents, Plaintiff lost the enjoyment of the paid cruise and suffered emotional distress.

WHEREFORE, the Plaintiff, **LISA APPELBAUM**, demands judgment against the Defendant, **CARNIVAL CORPORATION**, for all damages listed above, including costs, and interest, and any other relief deemed appropriate by the Court.

Dated: 8-4-14

Respectfully Submitted,



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