

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO.:

MARY T. SHOWS,

Plaintiff,

vs.

CELEBRITY CRUISES, INC.,

Defendant.

_____ /

COMPLAINT

COMES NOW, Plaintiff, MARY T. SHOWS, by and through the undersigned attorney, and sues the Defendant, CELEBRITY CRUISES, INC., a Foreign For-Profit Corporation, and alleges as follows:

1. That this is a cause of action for damages in excess of Fifteen Thousand Dollars (\$15,000.00), exclusive of costs, interest and attorney's fees.
2. At all times material hereto, Plaintiff, MARY T. SHOWS, (hereinafter referred to as "Plaintiff"), resided in Jones County, Mississippi.
3. At all times material hereto, Defendant, CELEBRITY CRUISES, INC., a Foreign For-Profit Corporation, (hereinafter referred to as "CELEBRITY") is and was registered to do

business in Florida with an address of 1050 Caribbean Way, Miami, Florida 33132.

VENUE AND PERSONAL JURISDICTION

4. That on or about July 31, 2013, Defendant, CELEBRITY, was a foreign for-profit corporation registered to do business in the State of Florida and maintained a permanent office for the transaction of business in Miami, Florida.

5. Plaintiff's claims against Defendant present an admiralty or maritime case within the jurisdiction and the United States and this honorable court pursuant to Article III, Section 2 of the U.S. Constitution, 28 USC Section 1333, and are brought pursuant to the General Maritime Law, and any other applicable laws and/or provisions.

6. Venue for maritime claims is proper pursuant to Rule 82 of the Federal Rules of Civil Procedure, and pursuant to contract between the parties.

7. Venue is proper in Miami-Dade County as Defendant's passenger ticket contains a forum selection clause, which requires any action to be brought exclusively in the United States District Court for the Southern District of Florida located in Miami-Dade County, Florida.¹

8. Plaintiff has complied with all pre-suit requirements of the passenger ticket contract by providing CELEBRITY with a written detailed description of the circumstances of the incident that is the subject of this lawsuit within the time frame as required by the passenger ticket.

9. On or about July 31, 2013, Defendant, CELEBRITY, owned, operated, managed, supervised and controlled the ocean-going passenger vessel known as the Solstice.

¹ A copy of Plaintiff's ticket is attached hereto as Exhibit "A".

10. On or about July 31, 2013, Plaintiff was a fare-paying passenger aboard the Solstice, during a planned "7-night Alaska Tracey Arm Fjord Cruise" from July 26, 2013 through August 2, 2013.

11. While aboard the Solstice for this cruise on or about July 31, 2013, Plaintiff was a passenger on Defendant's cruise ship when she proceeded to exit the ship for a planned shore excursion in Juneau, Alaska. After almost three hours in an auditorium aboard the Solstice, Plaintiff's group number was called notifying her that she would soon be exiting the ship for the shore excursion. During the almost three hour waiting period, the Plaintiff remained seated in her collapsible wheelchair. Plaintiff was instructed and directed by agents and/or employees of Defendant to proceed to the lower levels of the Solstice, which was accomplished with the assistance of her family and the use of an elevator to arrive at the exit level of the Solstice.

Once Plaintiff arrived at the exit level, two agents and/or employees of Defendant, instructed and directed Plaintiff to descend a steep ladder/staircase to enter the area of the exit dock. At this time, in lieu of using an easily accessible lift/mini elevator, Defendant's agents and/or employees attempted to assist Plaintiff in descending the staircase/ladder, at which time she fell causing serious injury to her person.

COUNT I - NEGLIGENCE OF CELEBRITY

Plaintiff incorporates paragraphs 1 through 11 as if fully set forth and alleges the following:

12. Defendant owed Plaintiff, MARY T. SHOWS, and others the ordinary and reasonable duties including, but not limited to, the following:

- a. use of reasonable and ordinary care to keep and maintain its premises in a reasonably safe condition;

- b. to keep its premises free from defects and hazardous conditions that could reasonably and foreseeably cause harm and injury;
- c. to take reasonable and necessary steps to warn of the existence of dangerous and hazardous conditions on its premises;
- d. to take reasonable and necessary steps to correct, eliminate, and prevent dangerous and hazardous conditions existing on its premises;
- e. to use and exercise reasonable care to protect those who are invitees and passengers on its premises and to correct and remedy discoverable conditions constituting hazards and danger on its premises;
- f. engage in the performance of crew duties in a reasonably safe method;
- g. to train and/or prepare crew members to perform their duties in a reasonable and safe manner under ordinary conditions; and
- h. to access and/or use equipment present to take the most reasonable, non-negligent care in the transport of passengers.

13. CELEBRITY breached its duty of care to Plaintiff, MARY T. SHOWS, and was negligent in at least the following ways:

- a. by failing to use reasonable care to keep and maintain its premises in a reasonable and safe condition;
- b. by failing to keep its premises free from defects and conditions that could reasonably and foreseeably cause injury to Plaintiff and others;
- c. by failing to warn Plaintiff and others of the existing hazardous and dangerous condition;
- d. by failing to take reasonable and necessary steps to correct, remedy, and prevent a hazardous condition on its premises which Defendant knew or should have known existed;
- e. by failing to train its agents/employees in the proper manner for transportation of passengers in wheelchairs such as Plaintiff; and
- f. by failing to use a reasonable, non-negligent method for assisting passengers to traverse deck levels including passengers in wheelchairs such as the Plaintiff.

14. As a direct and proximate cause of the above described negligence of CELEBRITY, Plaintiff, MARY T. SHOWS, suffered bodily injuries and/or an aggravation of a pre-existing condition which has resulted in pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expensive medical and related care and treatment, and the losses are either permanent or continuing in nature and Plaintiff will suffer these losses in the future.

WHEREFORE, Plaintiff, MARY T. SHOWS, demands judgment for damages against the Defendant, CELEBRITY, in excess of the minimal jurisdictional limits of this Court, as well as pre-judgment and post-judgment interest, and taxable costs in bringing this action.

JURY TRIAL DEMANDED

DATED: July 28th 2014

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