

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. _____ -Civ- _____ / _____

MICHELE BREWSTER,

Plaintiff,

vs.

MSC CROCIERE, S.A., MSC CRUISES
(USA) INC. and MEDITERRANEAN
SHIPPING COMPANY,

Defendants.

_____ /

COMPLAINT

Plaintiff MICHELE BREWSTER sues Defendants MSC CROCIERE, S.A., MSC CRUISES (USA) INC. and MEDITERRANEAN SHIPPING COMPANY, and alleges:

1. This is a negligence action in which the Plaintiff alleges that the Defendants' negligence caused the Plaintiff to fall and sustain bodily injuries. This case falls within the Court's diversity-of-citizenship jurisdiction.

2. The Plaintiff is a citizen of California.

3. The Defendants are corporations incorporated under the laws of Switzerland. The Defendants' principal places of business are in Broward County, Florida, or in Switzerland.

4. The passenger ticket that the Defendants sold the Plaintiff contains a forum-selection clause that says that actions like this may be filed only in Fort Lauderdale in the United States District Court for the Southern District of Florida.

5. The Plaintiff has performed all conditions precedent to be performed by the Plaintiff or the conditions have occurred.

6. On or about March 13, 2013, the Plaintiff was a fare-paying passenger aboard

MSC Poesia, a cruise ship owned and/or operated by the Defendants.

7. At that time and place the Defendants owed the Plaintiff a duty of reasonable care.

8. At that time and place the Defendants breached their duty of care when they acted negligently in one or more of the following ways:

(a) The Defendants failed to provide a safe method for the Plaintiff to be transferred from the tender to the *Poesia*;

(b) The Defendants failed to provide a safe gangplank or other safe device so that the Plaintiff could be safely transferred from the tender to the *Poesia*;

(c) The Defendants failed to ensure Plaintiff's safe transfer from the tender to the *Poesia*;

(d) The Defendants failed to train their employees and/or provide sufficiently trained personnel in the transfer of passengers from a tender to the ship;

(e) The Defendants failed to warn or provide sufficient warnings about the dangerous condition;

(f) The Defendants were negligent in other ways.

9. These negligent conditions were created by the Defendants, or were known to the Defendants, or had existed for a sufficient length of time so that the Defendants should have known of them, or they occurred with regularity and were therefore foreseeable.

10. As a result, the Plaintiff suffered bodily injury and resulting pain and suffering, disability, physical impairment, disfigurement, mental anguish, inconvenience, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of a previously existing condition. The losses are either permanent or continuing and the Plaintiff will suffer the losses in the future.

Therefore, the Plaintiff demands judgment for damages against the Defendants.

REQUEST FOR JURY TRIAL

The Plaintiff demands a jury trial.

Dated: April 25, 2014

Respectfully submitted,
s/Peter G. Walsh
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