

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

IN ADMIRALTY

CASE NO.

SIMON PARKER, AS FATHER
AND NEXT FRIEND OF ARCHIE
PARKER, A MINOR,

Plaintiff,

vs.

CARNIVAL CORPORATION, d/b/a
CARNIVAL CRUISE LINES, INC.,

Defendant

COMPLAINT

COMES NOW, the Plaintiff, SIMON PARKER, AS FATHER AND NEXT FRIEND OF ARCHIE PARKER, A MINOR, by and through undersigned counsel, and sues the Defendant, CARNIVAL CORPORATION, d/b/a CARNIVAL 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 and Rule 9h of the Federal Rules of Civil Procedure and the forum selection clause of Plaintiff's passenger cruise ticket with Defendant. The cause of action is not in excess of \$75,000.00. Plaintiff is a resident and citizen of the United Kingdom. This is a maritime cause of action.
2. Plaintiff has complied with all conditions precedent or, in the alternative such conditions do not apply to this Plaintiff.

3. Defendant is a Panamanian 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.
5. On or about August 7, 2013, Plaintiff, SIMON PARKER was a fare-paying passenger on CARNIVAL SUNSHINE. The vessel was in navigable waters. Defendant owned or operated CARNIVAL SUNSHINE at all times material.
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 children's play area known as Camp Carnival in a reasonably safe condition, and/or;
 - b. Failing to warn the Plaintiff of the dangers of entrusting his child to Defendant at Camp Carnival, and/or;
 - c. Failing to properly and safely supervise Plaintiff's minor child at Camp Carnival, and/or;
 - d. Failing to have a reasonably proper and safe name tag for children at Camp Carnival, and/or;
 - e. Failing to properly train its employees in the proper methods of operating a children's play area in a reasonably safe condition, and/or;
 - f. Failing to have reasonably safe activities for children at Camp Carnival ,

- and/or;
- g. Allowing an ongoing, recurring, continuous and/or repetitive problem to occur or remain in a children's play area which was foreseeable to be the cause of incidents like this one, and/or;
 - h. Failing to properly design a children's play area, and/or;
 - i. Failing to observe that the minor had been injured so as to be able provide him with prompt and proper medical treatment.
8. As a result of the foregoing, the minor Plaintiff was injured when he fell while in the custody and control of Defendant at Camp Carnival aboard the CARNIVAL SUNSHINE. The minor Plaintiff was required to wear a name tag with a sharp metal backing which pressed against his skin under his shirt. When the Plaintiff fell, the sharp metal back of the name tag caused a deep gash on Plaintiff's chest. The minor Plaintiff was just four years' old at the time of the incident.
9. At all times material, the Defendant had actual knowledge of the dangerous condition and/or constructive knowledge of the dangerous condition by the length of time the condition existed, and/or the nature of the dangerous condition and/or the fact that the dangerous condition was ongoing, repetitive or recurring with some regularity.
10. At all times material, the minor Plaintiff and Plaintiff acted with due care for the safety of the minor child.
11. In the alternative, Defendant is not required to have notice of the condition because Defendant engaged in and was guilty of negligent maintenance and/or engaged in negligent methods of operation.

12. As a result of the negligence of the Defendant as aforesaid, the Plaintiff was injured in and about his body and extremities and suffered pain, mental and emotional distress and anguish therefrom; has incurred and will incur medical expense in the future, and a loss of the ability to enjoy life; lost the enjoyment of his cruise, suffered scarring and disfigurement Said personal injuries are permanent and/or continuing in nature and the Plaintiff shall continue to suffer such losses and impairments in the future. The minor Plaintiff has a large scar on his chest as a result of the gash he sustained from the metal name tag as aforesaid.

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

Dated this 6th day of August, 2014.

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By: //s// Paul M. Hoffman
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