



On Demand Petition

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Cruise Ship Controversies Continue

\$20 Million Complaint filed for Death of Abandoned Passenger

ESTATE OF JONES V. NORWEGIAN CRUISE LINE, ET AL
UNITED STATES DISTRICT COURT, SO. DISTRICT OF FLORIDA
CASE NO: 06-20954-CIV

Donald Jones and his wife, **Dorothy**, spent their lives helping other people. When this Vancouver, Canada couple went into retirement, they served as missionaries traveling throughout North America in their mobile home to various Christian ministries providing carpentry, plumbing, painting, electrical help, as well as tutoring.

On April 14, 2005, Dorothy and Don Jones embarked on the Norwegian Star from Los Angeles to sail on the Mexican Pacific coast. Mr. Jones became ill on board and began vomiting blood. Norwegian Cruise Line failed to administer proper treatment. Rather

than evacuate Mr. Jones to a hospital or providing onboard care, they placed him in a lifeboat in the middle of

the Pacific Ocean in the middle of the night and sent him to a small coastal village in Mexico for treatment that could not be provided. After a horrific trip, Mr. and Mrs. Jones could not get the required transfusion. The blood arrived frozen and had to be thawed with a heating lamp. While waiting for

blood, in a primitive medical setting, Don Jones died in front of his wife. Their forty-year life together ended.

Cruise Ships: The Duty to Provide Safe Excursions

A common carrier has a continuing obligation for the care of its passengers. Its duty is to warn of dangers known to the carrier in places where the passenger is invited to, or may be reasonably expected to visit. This duty extends throughout the length of each port of call, only to resume when the passenger re-embarks. *Carlisle v. Ulysses Line Ltd., S.A.*, 475 So.2d 248 (Fla. App. 3 Dist., 1985).

**For complete details, see
www.Leesfield.com**

Leesfield's Update on Cruise Ship Liability featured in the Journal of the Ontario Trial Lawyers Association

Well over 10,000,000 North Americans purchase cruise tickets for uneventful vacations. Unfortunately, a cruise ship is like a small city with many dangers unknown to the passengers.



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Injury and death connected with the cruise ship industry have been the focus of recent national attention. Special considerations, including shortened

statutes of limitations and venue selection, must be immediately addressed as they are controlled by the terms of the passenger ticket. The hazards of litigating cruise ship cases was recently detailed by Ira Leesfield in an article written for the Ontario Trial Lawyers Association entitled *Litigating Cruise Line Cases in the 21st Century*, appearing in the Winter 2006 issue of *The Litigator*, a publication of the Ontario Trial Lawyers Association.

A copy may be obtained by contacting Carmen Marrero at Marrero@Leesfield.com or 800/836-6400.

Significant Cases Controlling Cruise Ship Litigation

In determining whether forum selection clause in form cruise ticket has been "reasonably communicated" to passenger, in a manner to ensure that passenger receives sufficient notice of conditions that he or she is accepting so as to meet fundamental fairness standard, court must gauge physical characteristics of contractual terms and sufficiency of warnings as to

how well they alert passenger to terms under which contract will be performed. *Norwegian Cruise Line, Ltd. v. Clark*, 841 So.2d 547 (Fla.App. 2 Dist., 2003).

1. For purposes of fulfilling cruise line's duty to exercise reasonable care, ship's doctor is an agent of the cruise line whose negligence should be imputed to the cruise line, regardless of contractual status ascribed to the doctor. *Carlisle v. Carnival Corp.*, 864 So. 2d 1 (Fla. Dist. Ct. App. 3d Dist. 2003).

Under general maritime law, cruise line owed cruise ship passengers duty of exercising reasonable care under circumstances. *Frango v. Royal*

Caribbean Cruises, Ltd., 891 So. 2d 1208 (Fla. Dist. Ct. App. 3d Dist. 2005). Under both Florida and federal maritime law, cruise ship line, as common carrier, is strictly liable for crew member assaults on its passengers during transit. *Doe v. Celebrity Cruises, Inc.*, 394 F.3d 891 (11th Cir. 2004). Cruise line's duty to exercise reasonable care under the circumstances extends to the actions of the ship's doctor placed on board by the cruise line. *Carlisle v. Carnival Corp.*, 864 So. 2d 1 (Fla. Dist. Ct. App. 3d Dist. 2003).



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Recent Motorcycle Award pushes results over \$100 Million

Leesfield Leighton & Partners continues its strong interest in motorcycle and product safety litigation. Over the past 15 years, successful litigation against various manufacturers have resulted in verdicts and settlements in excess of

\$100 million, including a **\$19.8 million** verdict against

American Honda in Erie, Pennsylvania. Just recently, a **New York** family retained our firm to represent a member of their family critically injured in a motorcycle collision in Broward County, resulting in a **\$1.5 million** award.

Comras v. Morse, Circuit Court, 17th Judicial Circuit, Broward County, Florida, Case No. 05-015803-04

Other significant motorcycle verdicts and settlements include:

Eimers v. American Honda
\$19.8 Million

Scolaro v. Toro
\$3.25 Million

McInerney v. Manufacturer
\$1.8 Million

Manning v. Alamo
\$1.76 Million

Anderson v. Whitehead
\$1.241 Million

Clemente v. Ebert
\$1 Million

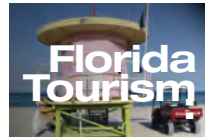
Byrne v. Manufacturer
\$850,000

Woodin v. Pt. Popovich
\$730,000

Your Florida Connection

Leesfield Leighton & Partners with offices in Miami and Key West is pleased to announce statewide continued availability of co-counseling support. Our 24-hour hotline **1-800/836-6400** and our web site **www.Leesfield.com** makes us available without any delay. Our work with co-counsel from **31** states and **16** foreign countries and lawyers throughout the State of Florida has established an effective Florida base for out-of-state attorneys. Please watch for our next Florida location opening this Summer.

For more details, e-mail us at **info@Leesfield.com**



Safer and Improved through the Florida Court System.

Foreign Student Recovers \$3.25 Million

Florida visitors are well protected as safety issues have been addressed by state, local and county governments. However, even in the most tourist friendly jurisdiction, negligent violations of established security practices result in tragedy. For instance, when a foreign student was robbed and assaulted in South Florida, his host school was held accountable by Partner **John Leighton** resulting in a **\$3.25 million** settlement for this young paraplegic visitor.

Practice Areas

Personal Injury, Wrongful Death, Aviation, Maritime, Crashworthiness, Defective Products, Premises Liability, Negligent Security, Medical Malpractice, Nursing Home Litigation.



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