

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

CASE NO.:

AT LAW AND IN ADMIRALTY

LONG BUI,

Plaintiff,

v.

ROYAL CARIBBEAN CRUISES LTD.,
a Liberian Corporation, d/b/a
ROYAL CARIBBEAN CRUISE LINE and/or
ROYAL CARIBBEAN INTERNATIONAL;

Defendant.

_____ /

COMPLAINT FOR DAMAGES

The Plaintiff Long Bui by and through his undersigned counsel hereby sues the Defendant, and says:

THE PARTIES AND JURISDICTION

1. This is an action seeking damages in excess of \$75,000.00, exclusive of interest, costs and attorney's fees.

2. Federal subject matter jurisdiction arises under and is by virtue of Diversity of Citizenship pursuant to 28 U.S.C. § 1332, as this is a civil action where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different States and/or citizens of a State and citizens or subjects of a foreign state, and arises under and is by virtue of the admiralty or maritime jurisdiction pursuant to 28 U.S.C. § 1333, and is being

filed in Federal Court as required by the venue selection clause in the Passenger Contract Ticket issued by the Defendants.

3. The Plaintiff Long Bui is *sui juris* and is a resident and citizen of Tucker, Georgia.

4. The Defendant, ROYAL CARIBBEAN CRUISES, LTD. (hereinafter be referred to collectively as RCCL, DEFENDANTS, or the Cruise Line) is a corporation registered and incorporated in Liberia and has its principal place of business in Miami, Florida. For purposes of diversity, therefore, this defendant is a citizen of both Liberia and of Florida. This defendant does business as Royal Caribbean Cruise Line and as Royal Caribbean International and is authorized to do business in the State of Florida, and at all times material hereto was and is doing business in Miami-Dade County, Florida. At all times material hereto, this defendant owned and/or operated the cruise ship on which the subject injury occurred.

5. The Defendant referenced above shall RCCL at all times material hereto, personally or through an agent, in the County and in the District in which this Complaint is filed:

- a. Operated, conducted, engaged in or carried on a business venture in this state and/or county; and/or
- b. had an office or agency in this state and/or county; and/or
- c. Engaged in substantial activity within this state; and/or
- d. Committed one or more of the acts stated in Florida Statutes, Sections 48.081, 48.181 or 48.193.

6. All conditions precedent for filing and maintaining this action have been fulfilled, have been waived, or do not apply.

OTHER ALLEGATIONS COMMON TO ALL COUNTS

7. **DATE OF THE INCIDENT.** This incident occurred on December 19, 2016.

8. **LOCATION OF THE INCIDENT.** This incident occurred Deck 12 outside door leading to the interior elevators aboard the *Harmony of the Seas* cruise ship operated by the Defendant.

9. **STATUS OF PLAINTIFF AS OF DATE AND TIME OF THE INCIDENT.** At all times material hereto, the Plaintiff was a passenger on the subject cruise ship described herein and, accordingly, was an passenger while on RCCL's vessel.

10. **DESCRIPTION OF THE INCIDENT.** RCCL operates in excess of twenty (20) cruise ships. One of those ships is the *Harmony of the Seas*. Onboard the RCCL cruise ships, RCCL offers to its passengers onboard recreational activities such as water slides. These activities are part and parcel of the cruise experience. The cruise line markets the recreational onboard activities as an attraction and as a reason for the public to purchase tickets for this cruise line as opposed to others and as opposed to a hotel without the myriad of on premises recreational activities.

11. RCCL operates at least five cruise ships with waterslides. The *Harmony of the Seas* has a trio of water slides called "The Perfect Storm" which challenges passengers to compete against each other to beat each other to the bottom of the slide. This water slide includes "The Typhoon", "The Cyclone" and "The Supercell". The *Liberty of the Seas* has five water slides aboard including "The Typhoon", "The Cyclone" and "The Supercell". The *Majesty of the Seas* has a purple opaque water slide on the pool deck. The *Symphony of the Seas* has the tallest water slide operated the seas that is called "The Ultimate Abyss" which is 10 stories tall in addition to 3 other high-speed water slides called "The Perfect Storm".

12. The *Harmony of the Seas* has a water slide complex that features three slides called "Perfect Storm". "The Perfect Storm" is part of a water park manufactured by Polin Waterparks. RCCL received instructions or warnings from the water slide manufacturer of the water slides which informed RCCL as to how to operate the water slides as well as warned RCCL of the

potential dangers or hazards. These standards through the manufacturers instructions, as well as prior incidents , and observing passengers use the slide on the RCCL ships on a daily basis for years, put RCCL on notice that if RCCL does not control the timing of when people use the slide and allow sliders to start their descent with another slider in the tube, slider will collide with each other. If sliders collide with each other, it is reasonably foreseeable that the sliders can get injured during the collision.

13. One of the three water slides aboard the *Harmony of the Seas* is a yellow slide that, just like other waterslides on this ship and other RCCL cruise ships, is a tube which is opaque and twists and turns. For these reasons, RCCL knows that the people at the top of the water slide cannot see or otherwise detect the presence or location of other people on the waterslide. RCCL knows that different people descend the water slide a different rate of speed and people on the waterslide sometimes get caught up on the slide. Further, RCCL knows that the waterslide is slick and that water continuously flows down the slide to facilitate a fast slippery slide for people who want to go fast. RCCL's personnel instruct sliders using the slide to go down on their backs with their feet first.

14. RCCL also knows that that if people using the slide are not closely supervised and controlled by the cruise personnel at the top of the slide as instructed by personnel at the bottom of the slide, passengers collide within the slide or at the bottom of the slide. When passengers collide the person in the lower end of the slide can suffer injuries because of the positioning of the sliders. Constant supervision is so important to the safety and security of the passengers using the water slide.

15. RCCL failed to operate, control, instruct and supervise the people using the water slide that caused this injury in a reasonably safe manner. RCCL positioned personnel at the top of the slide to supervise and control the start time of passengers descending the slide. The personnel at the top of the slide must make sure that one person starts his or her slide only after the person before has

completed a run down the slide. The person at the top of the slide must also instruct the slider how to slide and how to not get stuck or stop their slide in the tube. RCCL also positioned personnel at the bottom of the slide to observe when the slider completes his or her run. The personnel at the bottom of the slide must signal or communicate to the person at the top of the slide when a person has completed the run.

16. On the day of this incident, the cruise personnel positioned at the top of the slide did not supervise or control the timing of the start of the descent of the slider and did not instruct any slider on how to avoid getting hung up within in the tube. The personnel at the top allowed a slider to start sliding before cruise passenger Bui had finished his descent and while he was in the tube. The slider behind Bui violently struck Bui while Bui was in the middle of the tube. The slider behind Bui struck Bui in the head. Bui lost consciousness as he slid down the remainder of the run. Bui regained consciousness sometime after he landed in the splash pool at the bottom of the run. The collision caused by the negligence of the cruise line has caused serious injury to cruise passenger Bui. This injury includes a traumatic brain injury and injuries to the cervical vertebrae, discs, and spinal cord and/or nerve roots for which neck fusion surgery has been recommended.

COUNT I
NEGLIGENCE

17. The Plaintiff hereby adopts and realleges each and every allegation in paragraphs 1 through 16, above.

18. RCCL has a duty of reasonable care under the circumstances to provide and otherwise operate its waterslides in a safe manner. The circumstances are that RCCL owns and/or operates more than 20 cruise ships, including the *Harmony of the Seas*. If not properly controlled, the water slides, become a hazard for passengers. Because the sliders cannot detect the presence

or location of other sliders moving above or below them, RCCL knows that it is important to make sure each slider completes his or her run before the start of another slider's run begins. RCCL also knows its personnel must communicate or signal to each other the start and finish of each slider's run in order to prevent collisions or people getting stuck in the slide.

19. RCCL knew or should have known that one of its sliders had not completed his run prior to the start of the next slider's run on December 19, 2016. First, RCCL operates many water slides onboard the *Harmony of the Seas* and its other ships. Therefore, RCCL knows from experience that sliders get stuck or stop in waterslide tubes and travel down the slides at different rates of speed. RCCL knows or should know from experience that having multiple sliders traveling down the same water slide tube at the same time is a hazard. Second, RCCL knows that the water slides, including the yellow waterslide, on the *Harmony of the Seas* are constantly used by passengers, including the plaintiff. Third, RCCL knows from prior similar incidents in its water slides that having multiple passengers in water slide tubes cause injuries to passengers, including the plaintiff. Fourth, RCCL operates, controls and instructs people using the water slides on a regular basis. Fifth, RCCL through its employees have observed passengers using the water slides on all of its ships on a daily basis for years. From that experience, RCCL knows that to instruct people using the water slides not to start a slide prior to the completion of the prior slider's run, not to stop in the water slide or how to avoid becoming stuck inside the water slide.

20. The Defendant either (a) created the dangerous condition, through its agents or employees; (b) had actual knowledge of the dangerous condition; and/or (c) had constructive knowledge of the dangerous condition.

21. The Defendant had constructive knowledge of the dangerous condition which is shown by *inter alia*, (a) the length of time RCCL has operated and instructed passengers using its water slides; (b) the nature of the dangerous condition, that is, that it is the type of condition which

any RCCL employee operating or instructing sliders using the water slide should discover, document, and take action on; and/or (c) the fact that allowing two passengers in a slippery wet waterslide where sliders cannot see each other's presence or location is a dangerous condition which was repetitive, continuous, ongoing, recurring, or occurring with some regularity. The dangerous condition was reasonably foreseeable and in the exercise of reasonable care the Defendant should have known about it.

22. In the alternative, notice to the Defendant is not required because the Defendant (a) engaged in and was guilty of negligent crowd control; and/or (b) engaged in and was guilty of negligent methods of operations. Therefore, no notice to the Defendant is required.

23. RCCL breached its duty of care by failing to control people using the waterslide, failing to instruct sliders not to start sliding before instructed, stop within the slide and/or how to avoid getting stuck inside the slide (which is a part of a good and reasonable water slide), and communication and signaling between personnel instructing when a slider completed his or her run before allowing another slider to begin the next run, on December 19, 2016; by creating the hazard through its employees who allowed two sliders in the same opaque slippery wet waterslide to travel at the same time; by failing to warn passengers of the danger of sliding down the opaque water slide; by failing to stop or prevent other sliders from starting a run before the completion of the prior slider's run down the waterslide; by allowing an ongoing, repetitive, continuous, and/or recurring problem to occur or to remain on or around the subject area which would cause incidents or injuries; by failing to comply with RCCL's own standards on instructing, controlling, operating, warning, and making safe its waterslides; and by failing to otherwise make safe the water slides on the *Harmony of the Seas* on December 19, 2016.

24. The Defendant's negligence proximately caused the aforementioned injuries and damages to the Plaintiff in the past and in the future. Those injuries and damages include but are not

limited to economic damages including medical, psychological, and other related expenses in the past and in the future; household and other related expenses in the past and in the future; lost income in the past and lost income and income earning capacity in the future. Those injuries and damages also include but are not limited to non-economic damages including pain, suffering, disability, physical impairment, scarring, disfigurement, mental anguish, inconvenience, and loss of capacity for the enjoyment of life. The losses are either permanent or continuing. The Plaintiff has suffered these losses in the past, and will continue to suffer them in the future.

WHEREFORE, the Plaintiff demands Judgment against the Defendant for damages recoverable under the general maritime law and state law including but not limited to economic damages including medical, psychological, and other related expenses in the past and in the future; lost income in the past and lost income and earning capacity in the future; non-economic damages in the past and in the future including pain, suffering, disability, physical impairment, scarring, disfigurement, mental anguish, inconvenience, and loss of capacity for the enjoyment of life; all court costs, all interest due under the applicable law including interest from the date of the subject incident under General Maritime Law, and any and all other damages which the Court deems just or appropriate.

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