

IN THE UNITED STATES DISTRICT COURT  
OF THE SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

CASE NO.:

L.A., a minor, by and through his  
mother, natural guardian and next friend,  
T.A.,

Plaintiff,

vs.

ROYAL CARIBBEAN CRUISES, LTD.,

Defendant.

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**COMPLAINT FOR DAMAGES  
AND DEMAND FOR JURY TRIAL**

Plaintiff, L. A.,<sup>1</sup> a minor, by and through his mother, natural guardian, and next friend,  
T.A, sues Defendant, ROYAL CARIBBEAN CRUISES, LTD., and alleges:

**JURISDICTION**

1. This is an action for negligence against the Defendant arising out of the sexual assault, battery and abuse of a minor aboard Defendant's cruise ship.
2. This is an action in excess of the minimum jurisdictional limit of seventy- five thousand dollars (\$75,000) exclusive of interest, costs and attorney fees.
3. Plaintiff L.A., a minor child, as well as T.A., his mother and next friend, are citizens of the United States, and domiciled in, the State of Maryland.

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<sup>1</sup> Counsel for the Defendant, Amanda Campos, has agreed to the use of initials in order to protect the identity of the minor child.

4. At this time, no legal guardian has been appointed for the minor child, so this is action is brought through his mother as next friend entitled to bring this action on behalf of the minor within three (3) years from the date of the incident.
5. Defendant Royal Caribbean Cruises Limited is a Liberian cruise line common carrier which has its principal place of business in Miami-Dade County, Florida. As such, Defendant is a citizen of the State of Florida for diversity jurisdiction purposes.
6. Defendant RCCL, at all relevant times, owned and operated the cruise ship *Independence of the Seas*, and sold the passenger tickets to Plaintiff's mother, T.A., for the cruise, which is the subject matter of this lawsuit and/or is the proper defendant pursuant to the contract of carriage that was issued for the cruise in question.
7. This Court has diversity subject matter jurisdiction under 28 U.S.C. § 1332 as the parties are completely diverse and the case in controversy exceeds the jurisdictional minimum amount.
8. Alternatively, this Court has admiralty subject matter jurisdiction under 28 U.S.C. §1333, as the subject negligence and sexual assault occurred on navigable waters and had the potential to disrupt maritime commerce.
9. This Court has personal jurisdiction over the Defendant under Fla. Stat. § 48.193(1)(b):
  - a. Defendant's principal place of business is located within Miami-Dade County, Florida;
  - b. Defendant conducts substantial business within the State of Florida, including, but not limited to, operating cruises from Miami, Tampa, Cape Canaveral, Ft. Lauderdale, and Jacksonville; and,
  - c. Defendant submitted to the jurisdiction of this Court via the cruise ticket contract.

10. Venue is proper under 28 U.S.C. § 1391(b)(1) as the Defendant resides in this District and the cruise ticket contract requires Plaintiff to file this lawsuit in this District.

**GENERAL ALLEGATIONS**

11. The incident which is the subject of this action occurred on or about August 16, 2015, aboard the cruise ship INDEPENDENCE OF THE SEAS (hereinafter referred to as, “the subject vessel”) while the subject vessel was in navigable waters. The Plaintiff L.A., a minor, was traveling aboard the vessel along with Plaintiff’s mother, T.A. (hereinafter referred to as Plaintiff’s mother), and Plaintiff’s brother, D.A. (hereinafter referred to as Plaintiff’s Brother).
12. The Plaintiff’s mother purchased the passenger tickets for the family to enjoy a fun-filled family trip, reasonably relying upon representations made by the Defendant and the cruise ship industry organization that speaks on behalf of cruise ship companies about safety on board cruise ships.
13. Plaintiff’s mother believed that the subject vessel presented a safe environment for her and her children, and reasonably believed her children could safely walk around the cruise ship without parental guidance.
14. Defendant expressly and implicitly represented their commitment to safety on board their ships.
15. Defendant specifically marketed their safety standards to future passengers. Defendant’s website reads:

At Royal Caribbean International, the safety and security of our guests and crew is our highest priority and fundamental to our operations. Our marine safety record over our 42-year history clearly illustrates our commitment to the safety of the millions of guests and crew that sail on our ships. The measures we take in the interest of safety are many, with our ships often exceeding what is required by regulatory authorities.

16. Plaintiff's mother observed security personnel and surveillance cameras on board the subject vessel, causing her to believe that the security personnel were patrolling the public areas and the surveillance cameras were being appropriately monitored, which caused her to believe the cruise ship was safe for her sons to walk around and participate in activities unsupervised by her presence.
17. At all times material hereto, Plaintiff's mother and the Plaintiff, relied to their detriment on the foregoing statements and representations that there would be security personnel and surveillance cameras onboard the ship that they believed were monitored, and that other steps and measures were in place to prevent any type of criminal activity from occurring in the limited environment of the cruise ship.
18. Defendant made these representations, expressly and implicitly, for the purpose of enticing families to vacation on its cruise ships with the notion that the parents can rest assured that their vacation will be safe.
19. That all times material hereto, the Defendant was well aware of the fact that sexual assaults were occurring onboard their cruise ships, including sexual assaults of minors, and was well aware of the fact that minors would frequently walk around the cruise ship and participate in activities unsupervised by an adult, which would have caused a reasonably prudent ship operator to implement heightened security measures, strictly enforce procedures regarding service of alcohol, increase visible security presence, and monitor surveillance cameras, as well as warn parents about the history of sexual assaults aboard cruise ships.
20. Defendant was aware that instances of rapes and/or sexual assaults occur aboard Defendant's vessels at an alarming rate. Yet Defendant failed to take adequate steps or

provide adequate security and/or training and/or supervision to prevent such rapes and/or sexual assaults, and failed to warn its passengers of the growing epidemic of rape and sexual assault at sea. Defendant's motive for failing to warn its passengers is financial in nature; that is, Defendant willfully chooses not to warn its passengers about rapes and sexual assaults aboard its ships so as not to scare any prospective passengers away.

21. At all times material hereto, the Defendant was aware of instances where overserving alcohol to a passenger resulted in either injury to the passenger who was overserved the alcohol or resulted in the intoxicated passenger causing injury to someone else, including causing injury by physically or sexually assaulting another person.
22. At all times material hereto, including as a result of prior lawsuits, and prior reported incidents, as well as prior congressional hearings, Defendant was well aware of the necessity of having surveillance cameras aboard their vessel and appropriate security.
23. As a result of the numerous reported incidents, the issue of passenger safety relating to criminal activity onboard ships became well-known to the cruise ship industry, including the Defendant.
24. The Defendant, as well as representatives of the cruise ship industry, actively represented to the public at large that cruising was very safe, and that the cruise ship company provided appropriate security onboard the ship, with surveillance cameras that were properly monitored and adequate security personnel.
25. At all times material hereto, the Defendant had a duty to exercise reasonable care for the safety of their passengers, including the Plaintiff, Plaintiff's mother, and Plaintiff's Brother.

26. The exercise of reasonable care required reasonable security for passengers on board the ship, including minor children who Defendant knew would be passengers on their ships and at risk for a sexual assault by either a crewmember or another passenger, as there were sufficient number of past instances and discussions about this problem to cause a reasonably careful ship owner to implement reasonable security measures to guard against these known risks.
27. At all times material hereto, Defendant has a duty to monitor the hallways and other public areas of its cruise ship, including monitoring the CCTV cameras of these areas. Alternatively, to the extent that this duty did not exist by law, Defendant voluntarily assumed this duty and was obligated to exercise reasonable care in monitoring the hallways and other public areas, including monitoring the CCTV cameras of these areas.
28. At all times material hereto, the Plaintiff's mother relied, to her detriment, upon the representations, implied or express, as to the safety on board the cruise ship, and reasonably assumed that there would be sufficient police presence, security presence, and video surveillance that was appropriately monitored.
29. At all times material hereto, Plaintiff's mother reasonably relied upon the presence of surveillance cameras and the belief that those cameras were being monitored, and that otherwise adequate safety and security was present aboard the ship to allow her children to travel around the ship and hang out with other children, unsupervised by their parents. She reasonably believed her child was safe based on the express and implied representations made by the Defendant.

30. On or about August 16, 2015, the Plaintiff, L.A., age thirteen (13) at the time, was onboard the ship, and was hanging out with other young passengers, including minor children, at the library on board the cruise ship.
31. On or about August 16, 2015, at approximately 2:00 AM, the Plaintiff was the victim of a sexual assault and battery committed by two other adult passengers, who were overserved alcohol by the Defendant, and who were visibly and obviously intoxicated.
32. During the sexual assault and battery committed on the Plaintiff, video cameras installed by the Defendant supposedly for safety and security reasons, captured the majority of the assault and battery, but there was no monitoring of the video cameras by the Defendant, which would have alerted Defendant to the presence of these young passengers in the library during the early morning of August 16, 2015. This would have alerted the Defendant to the need for immediate security to respond to the area.
33. Those employees of Defendant monitoring the ship's video surveillance system, upon information and belief, saw, or in the exercise of reasonable care should have seen, the Plaintiff being victimized by two men in the public library. However, no employee of the Defendant came to the assistance of the Plaintiff L.A.
34. At no time did any security staff, or other employees of Defendant, enforce any curfew for the young passengers being out of their cabin and in public areas, which resulted in the group of passengers, including minors, being present at the library onboard the subject vessel at 2:00 AM, a time when passengers were leaving the bars and/or disco, after being served large amounts of alcoholic beverages.
35. As a result of the failure to have appropriate security visibly present on board the ship, and the failure to otherwise have reasonable safety measures in place for the security of

the passengers, the two assailants believed they could commit the assault and battery without being detected, leaving the young minor child at the mercy of these two adults, and subjecting the Plaintiff to a horrible and horrific sexual assault and battery, traumatizing the minor for the remainder of his life.

36. Following the horrible sexual assault and battery on the Plaintiff, a minor child, the Defendant did not believe it was necessary to report the crime immediately. Instead, Defendant subjected the Plaintiff, as well as Plaintiff's mother and Plaintiff's Brother, to be present in the same room as the assailants, as Defendant had not appropriately monitored the surveillance camera, which would have revealed the horrific act, clearly showing a crime that had to be reported to law enforcement had been committed.
37. As a result of the attack, as well as activities that took place after, including Defendant's failure to properly respond following the sexual assault and battery, Plaintiff has suffered severe emotional distress, psychological and psychiatric damages, including post-traumatic stress disorder, physical injuries, and his life has been forever impacted.

**COUNT I  
(NEGLIGENCE)**

Plaintiff L.A., minor child, by and through his mother, natural guardian, and next friend, T.A, re-alleges all allegations pled in paragraphs 1 through 37, above as if alleged fully herein.

38. At all times material hereto, it was the legal duty of Defendant to:
- i. exercise reasonable care under the circumstances for the safety of their passengers;  
and,
  - ii. warn of all unreasonable dangers for which it knew or should have known and were not open and obvious.



39. At all times material hereto, Defendant voluntarily undertook by its representations a duty to provide a safe environment for its guests aboard the subject vessel.
40. At all times material hereto, upon information and belief, Defendant affirmatively undertook to install video surveillance cameras aboard the subject vessel and/or affirmatively undertook to assign personnel to continuously monitor those cameras; and in so doing, the Defendant acquired a duty to exercise reasonable care in those undertakings, including but not limited to assigning sufficient personnel to monitor the cameras in real-time, with specific guidance as to how to interpret and act upon the visual imagery.
41. At all relevant times, Plaintiff's mother reasonably assumed, expected and relied, that the surveillance cameras would be continuously monitored, and that those watching would respond to a passenger if necessary. This added to the overall sense of feeling safe and secure aboard the ship, including feeling safe and allowing children to move about the ship with other children.
42. Defendant was negligent as it breached the duty of reasonable care under the circumstances owed to Plaintiff, and was negligent in the operation and/or control of the premises, including the following:
  - a. Specifically marketing the subject vessel as a safe environment for its passengers but failing to provide adequate security to protect minor passengers from pedophiles and other sorts of sexual attackers by allowing them to roam around the cruise ship intoxicated whereby they could identify potential victims and observe when they are unoccupied by an adult;

- b. Specifically marketing the cruise ship as a safe environment but failing to adequately warn Plaintiff and her minor son of the potential of being sexual assaulted or raped aboard the cruise ship;
- c. Failing to provide an adequate security presence on the subject vessel in order to deter criminal activity;
- d. Failing to adequately warn of the fact that the surveillance cameras on board the ship were not being monitored;
- e. Failing to adequately warn of the fact that there had been numerous prior sexual assaults on board Defendant's cruise ships, including sexual attacks of minor children;
- f. Failing to advise parents that it was unsafe and dangerous to allow their children to hang out with other children on board the ship without the supervision of a parent;
- g. Failing to adopt and implement reasonable security measures to prevent such activity from occurring based on Defendant's knowledge of the problem of criminal activity aboard their ships, including sexual assaults;
- h. Failing to take adequate steps or provide adequate security and/or training and/or supervision to prevent such rapes and/or sexual assaults, and failing to warn its passengers of the growing epidemic of rape and sexual assault at sea;
- i. Failing to appropriately monitor surveillance cameras, especially during the time frame when the bars are closing, and most passengers are asleep, which creates a better opportunity for criminal activity to occur;
- j. Failing to implement procedures to prohibit children from gathering together at certain hours on board the ship without parental supervision;

- k. Failing to have learned that passengers, including minor children, had gathered in the library at approximately 2:00 AM. without any adult supervision;
- l. By over serving alcohol to the passengers, and allowing them to be so intoxicated and inebriated that they become a danger to themselves and to others;
- m. By over serving the two passengers involved in the sexual assault to the point that both were inebriated, and then allowing the two passengers to roam around the cruise ship at 2:00 AM intoxicated;
- n. By deliberately creating a false sense of security that passengers, including minor children, would be safe at all times onboard the subject vessel, which was reasonably relied upon to believe that it was safe to walk around and congregate onboard the ship at public areas, at all hours;
- o. Failing to properly respond and act following the incident in question;
- p. Failing to provide adequate supervision and/or security for minor passengers aboard its cruise ships;
- q. Failing to promulgate and/or enforce policies and/or procedures designed to prevent passengers from sexually assaulting other passengers aboard the ship;
- r. Violating the International Safety Management Code by failing to have an adequate Safety Management System Manual and/or by failing to adequately implement and follow the Safety Management System Manual it has, as it relates to protecting passengers from sexual assault and/or rape aboard Defendant's cruise ship, all of which caused plaintiff to be injured;
- s. Failing to adopt, implement, and enforce a reasonable curfew for young children aboard the subject vessel;

- t. Failing to observe the group of children congregated in the library onboard the vessel at or about 2:00 AM and to require them to return to their cabins;
  - u. Failing to adequately protect the children at or about 2:00 AM on August 16, including the Plaintiff.
43. As a direct result of the negligence of the Defendant in their failure to exercise reasonable care for the safety of the Plaintiff, Plaintiff was subjected to a horrific sexual assault and battery, sustaining serious physical and emotional injuries. Specifically, Plaintiff reasonably feared for his life during the assault and suffered serious emotional and mental distress as a result of Defendant's acts and/or omissions with regards to preventing the act from occurring and the actions of Defendant following the incident in question. Additionally, as a result of the physical assault and battery, and Defendant's failure to properly respond, and as a direct and proximate result of Defendant's negligent, intentional and/or reckless conduct, Plaintiff was exposed to an immediate risk of physical harm and/or did in fact suffer physical distress and physical injuries, along with resulting pain and suffering, disability, disfigurement, mental anguish, and loss of capacity for the enjoyment of life.
44. Further, and as a direct and proximate result of Defendant's negligent, grossly negligent, intentional and/or reckless conduct, Plaintiffs suffered severe emotional distress. Such emotional injuries resulted in physical manifestations, including but not limited to sickness, nausea, anxiety, headaches, insomnia, and nightmares.
45. Plaintiff continues to undergo treatment for emotional and physical injuries suffered as a result of the sexual assault.

46. In addition to the above negligent acts, Defendant acted willfully, and with malice, or recklessness, in their actions and inactions, by touting their safety, and at the same time failing to adequately warn passengers about the dangers of criminal activity, including sexual assaults, while at the same overserving alcohol to passengers for profits with reckless indifference to the safety of their passengers.
47. Despite knowledge of prior sexual assaults, including those committed against minors, Defendant exhibited reckless indifference to the safety of their passengers by failing to implement a program designed to prevent sexual assaults which would have included better controls on the service of alcohol, instead of selling unlimited alcohol packages, and included specific warnings to passengers about sexual assaults on ship, especially those travelling with children, and would have included increased police presence on board and monitoring of surveillance cameras, as well as other security measures.
48. Defendant put monetary gain above safety and protection of human lives, with tragic consequences; accordingly, Defendant should be punished for this conduct by the imposition of punitive damages.

WHEREFORE, the Plaintiff, L.A., through next friend, T.A, demands judgment for all damages recoverable under the law against the Defendant, including punitive damages, and demands jury trial of all issues so triable.

**COUNT II  
(INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS)**

Plaintiff L.A., minor child, by and through his mother, natural guardian, and next friend, T.A, re-alleges all allegations pled in paragraphs 1 through 37 above as though alleged originally herein.

49. Defendant's conduct, by placing the perpetrators of the sexual assault in the same room after Plaintiff has been sexually attacked subjected the Plaintiff to further severe emotional trauma.
50. Plaintiff, who was terrified because one of the perpetrators of the crime threatened to cut his head off and throw it overboard if he said anything about what occurred, was put in the same room as the perpetrators of the sexual assault and asked to speak up about what occurred, despite the sexual assault having been recorded by Defendant's surveillance cameras.
51. The conduct of the Defendant in response to what happened can only be characterized as a reckless indifference for the welfare of the Plaintiff. Said conduct can be characterized as outrageous in a civilized society, as Defendant showed reckless indifference to the situation, and was more concerned in avoiding a reported incident to the authorities that Defendant would have to disclose, thus constituting the tort of outrage/intentional infliction of emotional distress.
52. As a direct and proximate result of the intentional infliction of emotional distress by Defendant, Plaintiff suffered loss of enjoyment of life, impairment, inconvenience in the normal pursuits and pleasures of life, feelings of insecurity caused by disability, disfigurement, aggravation of any previously existing conditions therefrom, incurred medical expenses in the care and treatment of his injuries, including psychiatric care, and suffered physical handicap. The injuries and damages are permanent or continuing in nature, and he will suffer the losses and impairments in the future.

WHEREFORE, the Plaintiff demands judgment for all damages recoverable under the law against the Defendant, including punitive damages, and demands jury trial of all issues so triable.

Dated: August 22, 2017

Respectfully submitted,

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