

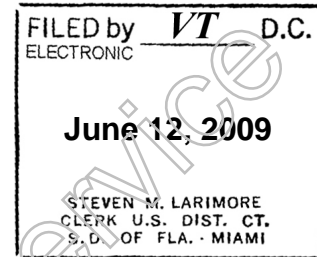
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDACASE NO. **09-CV-21604-King-Bandstra**CHRISTOPHER NEWSOM,
SANDRA NEWSOM

Plaintiffs

vs.

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

Defendant.

**COMPLAINT**

COME NOW, the Plaintiffs, **CHRISTOPHER NEWSOM and SANDRA NEWSOM**, by and through undersigned counsel, and sue the Defendant, CARNIVAL CORP. d/b/a Carnival Cruise Lines, Inc., and further state 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 28 U.S.C. 1333 and the forum selection clause of Plaintiffs' passenger cruise tickets with Defendant. The cause of action is in excess of \$75,000.00. There is diversity of citizenship. Plaintiffs are residents of the state of New York. This is a maritime cause of action.

2. Plaintiffs have complied with all conditions precedent to bringing this action.
3. Defendant is, upon information and belief, a foreign and/or 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. Plaintiffs reaver and reallege paragraphs One through Three.
5. On or about February 28, 2009, Plaintiffs were adult fare paying passengers on Defendant's vessel CARNIVAL FREEDOM. Defendant owned and/or operated the CARNIVAL FREEDOM on the aforesaid date.
6. At all times material Defendant owed Plaintiffs 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. Failed to warn Plaintiffs that a coconut cake would be served at their wedding reception which they had contracted for aboard ship;
 - b. Failed to provide Plaintiffs with a white cake with vanilla frosting served at their wedding reception;

- c. Misrepresented to Plaintiffs after it served a coconut cake at their wedding reception that there was no coconut cake aboard when subsequently on the cruise, a coconut cake was served to dinner guests in the main dining rooms and appeared on the dinner menu.
8. As a result of the foregoing, the Plaintiff SANDRA NEWSOM was injured when she was served a coconut cake at her wedding reception. Plaintiff SANDRA NEWSOM is severely allergic to coconut. Both Plaintiffs also suffered embarrassment and emotional distress when their wedding reception was ruined and their wedding night was spent caring for an ill bride.
 9. At all times material, the Defendant either created the negligent conditions of which Plaintiffs complain or Defendant had actual knowledge of the dangerous conditions hereinbefore alleged in paragraph seven to have caused or contributed to causing Plaintiffs' injury.
 10. At all times material, Plaintiffs acted with due care for their own safety.
 11. At all times material hereto, Defendant was in direct control of the vessel where Plaintiffs were injured.
 12. As a result of the negligence of the Defendant as aforesaid, the

Plaintiff SANDRA NEWSOM was injured in and about her body and extremities and suffered pain; both Plaintiffs suffered mental and emotional distress and anguish therefrom; incurred medical expense and physical handicap and a loss of the ability to enjoy life; Plaintiff SANDRA NEWSOM suffered an aggravation of a pre-existing condition, and both Plaintiffs suffered a loss of enjoyment of the cruise and the cost of their wedding reception and party, which was ruined. Said personal injuries are permanent and/or continuing in nature and the Plaintiffs shall continue to suffer such losses and impairments in the future.

WHEREFORE, Plaintiffs demands judgment from Defendant for damages and costs. Jury trial is demanded.

DATED this 16 day of June, 2009.

HOFFMAN LAW FIRM
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By: 

PAUL M. HOFFMAN
Florida Bar No: 0279897

JS 44 (Rev. 2/08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.) NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.

I. (a) PLAINTIFFS: CHRISTOPHER NEWSOM, SANDRA NEWSOM. (b) County of Residence of First Listed Plaintiff: (EXCEPT IN U.S. PLAINTIFF CASES). (c) Attorney's (Firm Name, Address, and Telephone Number): PAUL M. HOFFMAN, P.A., 561-300-20283 STATE RD 7, 3E 300 4246 MISSION BAY OFFICE PLAZA BOCA RATON FL 33498. DEFENDANTS: CARNIVAL CORP. D/B/A CARAVAN CRUISE LINES, INC. County of Residence of First Listed Defendant: DADE (IN U.S. PLAINTIFF CASES ONLY). NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT LAND INVOLVED. Attorneys (If Known): UNKNOWN.

II. BASIS OF JURISDICTION (Place an "X" in One Box Only). 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III). III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant). Citizen of This State: PTF 1, DEF 1. Citizen of Another State: PTF 2, DEF 2. Citizen or Subject of a Foreign Country: PTF 3, DEF 3. Foreign Nation: PTF 6, DEF 6.

IV. NATURE OF SUIT (Place an "X" in One Box Only). CONTRACT: 110 Insurance, 120 Marine, 130 Miller Act, 140 Negotiable Instrument, 150 Recovery of Overpayment & Enforcement of Judgment, 151 Medicare Act, 152 Recovery of Defaulted Student Loans (Excl. Veterans), 153 Recovery of Overpayment of Veteran's Benefits, 160 Stockholders' Suits, 190 Other Contract, 195 Contract Product Liability, 196 Franchise. REAL PROPERTY: 210 Land Condemnation, 220 Foreclosure, 230 Rent Lease & Ejectment, 240 Torts to Land, 245 Tort Product Liability, 290 All Other Real Property. TORTS: PERSONAL INJURY: 310 Airplane, 315 Airplane Product Liability, 320 Assault, Libel & Slander, 330 Federal Employers' Liability, 340 Marine, 345 Marine Product Liability, 350 Motor Vehicle, 355 Motor Vehicle Product Liability, 360 Other Personal Injury. PERSONAL INJURY: 362 Personal Injury - Med. Malpractice, 365 Personal Injury - Product Liability, 368 Asbestos Personal Injury Product Liability. PERSONAL PROPERTY: 370 Other Fraud, 371 Truth in Lending, 380 Other Personal Property Damage, 385 Property Damage Product Liability. FORFEITURE/PENALTY: 610 Agriculture, 620 Other Food & Drug, 625 Drug Related Seizure of Property 21 USC 881, 630 Liquor Laws, 640 R.R. & Truck, 650 Airline Regs., 660 Occupational Safety/Health, 690 Other. LABOR: 710 Fair Labor Standards Act, 720 Labor/Mgmt. Relations, 730 Labor/Mgmt. Reporting & Disclosure Act, 740 Railway Labor Act, 790 Other Labor Litigation, 791 Empl. Ret. Inc. Security Act. IMMIGRATION: 462 Naturalization Application, 463 Habeas Corpus-Alien Detainee, 465 Other Immigration Actions. BANKRUPTCY: 422 Appeal 28 USC 158, 423 Withdrawal 28 USC 157. SOCIAL SECURITY: 861 HIA (1395ff), 862 Black Lung (923), 863 DIWC/DIWW (405(g)), 864 SSID Title XVI, 865 RSI (405(g)). FEDERAL TAX SUITS: 870 Taxes (U.S. Plaintiff or Defendant), 871 IRS-Third Party 26 USC 7609. OTHER STATUTES: 400 State Reapportionment, 410 Antitrust, 430 Banks and Banking, 450 Commerce, 460 Deportation, 470 Racketeer Influenced and Corrupt Organizations, 480 Consumer Credit, 490 Cable/Sat TV, 810 Selective Service, 850 Securities/Commodities/Exchange, 875 Customer Challenge 12 USC 3410, 890 Other Statutory Actions, 891 Agricultural Acts, 892 Economic Stabilization Act, 893 Environmental Matters, 894 Energy Allocation Act, 895 Freedom of Information Act, 900 Appeal of Fee Determination Under Equal Access to Justice, 950 Constitutionality of State Statutes.

V. ORIGIN (Place an "X" in One Box Only). 1 Original Proceeding, 2 Removed from State Court, 3 Re-filed- (see VI below), 4 Reinstated or Reopened, 5 Transferred from another district (specify), 6 Multidistrict Litigation, 7 Appeal to District Judge from Magistrate Judgment.

VI. RELATED/RE-FILED CASE(S). (See instructions second page): a) Re-filed Case YES NO, b) Related Cases YES NO. JUDGE: DOCKET NUMBER:

VII. CAUSE OF ACTION. Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. §1333 PERSONAL INJURY ON A CRUISE SHIP. LENGTH OF TRIAL via 3 days estimated (for both sides to try entire case).

VIII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: YES NO

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE. SIGNATURE OF ATTORNEY OF RECORD: DATE: 6/16/09

FOR OFFICE USE ONLY. AMOUNT: 360.00 RECEIPT # 546543