

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3 LOS ANGELES

CASE NO.: 2:20-cv-3488

4 JUIZHAN HSU, individually, and
5 as survivor of her deceased
6 husband, CHUNG CHEN'S Estate,
7 and as pending Personal Representative
8 of the ESTATE OF CHUNG CHEN, for
9 the benefit of its survivors, and VIVIAN CHEN,
10 Individually, and as survivor of her deceased
11 father, CHUNG CHEN'S Estate

12 Plaintiffs,

13 V.

14 PRINCESS CRUISE LINES LTD.

15 Defendant.

16 **COMPLAINT AND JURY DEMAND**

17 Plaintiffs, by and through their undersigned counsel, hereby sues Defendant, PRINCESS
18 CRUISE LINES LTD. (hereinafter, "PRINCESS"), and alleges:

19 **THE PARTIES AND JURISDICTION**

20 1. This is an action seeking damages in excess of \$1,000,000.00 (One Million
21 Dollars) exclusive of interest, costs and attorney's fees.

22 2. This Court has diversity subject matter jurisdiction pursuant to 28 U.S.C. § 1332
23 as this is a civil action in which the matter in controversy exceeds the sum or value of \$75,000,
24 exclusive of interest and costs, and is between citizens of different States and/or citizens of a State
25 and citizens or subjects of a foreign state.

26 3. This Court also has Admiralty subject matter jurisdiction pursuant to 28 U.S.C. §
27 1333 as this case involves a maritime tort. The type of incident and injuries suffered by Plaintiffs
28

1 had the potential to impact maritime commerce as Plaintiffs are at serious risk of imminent harm
2 as a result of being exposed to the Coronavirus running rampant aboard the cruise ship upon
3 which they were paying passengers.

4 4. Plaintiff, JUIZHAN HSU is sui juris, and is a resident of Los Angeles County,
5 California. Plaintiff was a passenger onboard the cruise ship RUBY PRINCESS. She is expected
6 to be appointed as Personal Representative of the ESTATE OF CHUNG CHEN, as wife of the
7 deceased, on behalf of decedent's lawful survivors and on behalf of the ESTATE OF CHUNG
8 CHEN, pursuant to California Statute Section 377.60.

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10 5. CHUNG CHEN, deceased husband of JUIZHAN HSU, was a passenger onboard
11 the cruise ship, RUBY PRINCESS, and he died on or about April 4, 2020, in Torrance, Los
12 Angeles County, California, as a result of contracting COVID-19.

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14 6. VIVIAN CHEN is sui juris, is a resident of Los Angeles County, and was a
15 passenger onboard the cruise ship RUBY PRINCESS along with her parents, Plaintiff, JUIZHAN
16 HSU and the deceased, CHUNG CHEN.

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18 7. Princess Cruise Lines LTD. is incorporated in Bermuda, with its headquarters in
19 Santa Clarita California. The action is being filed in this Court pursuant to the terms and
20 conditions of the Passenger Contract issued by Defendant, Princess Cruise Lines Ltd.

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22 8. At all times hereto, PRINCESS owned and operated the cruise ship the Ruby
23 Princess.

24
25 9. Plaintiffs JUIZHAN HSU, CHUNG CHEN, now deceased, and VIVIAN CHEN
26 were passengers aboard the Ruby Princess which departed out of Sydney, Australia on March 8,
27 2020.

1 10. This Court has personal jurisdiction over PRINCESS as PRINCESS’ principle
2 place of business is located in Los Angeles County, Los Angeles.

3
4 **FACTUAL BACKGROUND**

5 In the recent months, there has been a worldwide outbreak of a new strain of the Corona
6 virus, commonly known as COVID-19. The virus began in China in December 2019, and has
7 quickly spread throughout Asia, Europe and most recently, North America. The virus causes
8 temperature, a dry cough, and can be fatal. There have been over One Hundred Thousand cases
9 worldwide and over Three Thousand deaths as result of COVID-19. Those fatalities have largely
10 been amongst the elderly population, and those with underlying medical complications.

11
12 COVID-19 really gained the attention of the public when the Diamond Princess Cruise
13 ship, also owned and operated by Defendant, suffered an outbreak of the disease at the beginning
14 of February 2020 in Yokohama, Japan. The outbreak began with ten cases, and rapidly
15 multiplied to seven hundred cases, as a result of the flawed two week quarantine on the ship. The
16 Center for Disease Control, (CDC) issued a statement on February 18, 2020, that “the rate of new
17 reports of positives new on board, (Diamond Princess), especially among those without
18 symptoms, highlights the high burden of infection on the ship and potential for ongoing risk.”
19
20 Seven of Defendant’s passengers died as a result of COVID-19.
21

22 Subsequently, Princess Cruises suffered two additional outbreaks on the Grand Princess
23 sailings of February 11, 2020 and February 21, 2020 out of San Francisco, resulting in more than
24 four deaths and hundreds of infections to its passengers and crew members. Despite having
25 experienced three major outbreaks on its ships, Princess Cruises kept sailing out of various ports
26 of call around the world, including the Ruby Princess ship which sailed out of Sydney, Australia
27 on March 8, 2020.
28

1 Princess Cruises decided to sail on March 8, 2020, despite their knowledge of the
2 significant risk of harm to their passengers and crew members, in light of their three prior
3 voyages on other ships that resulted in outbreaks of the disease in catastrophic proportions. More
4 importantly, Princess Cruises experienced an outbreak of COVID-19 on the Ruby Princess on the
5 sailing just prior to the March 8, 2020 voyage, and yet they recklessly decided to board another
6 three thousand passengers on March 8, 2020, and put their lives at risk.
7

8 **COUNT I**

9 **(NEGLIGENCE AGAINST PRINCESS)**

10 11. Plaintiffs re-allege all allegations in paragraphs 1 through 10 above as if alleged
11 fully herein.

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13 12. PRINCESS owed Plaintiffs, who were paying passengers who boarded the Ruby
14 Princess on March 8, 2020, the duty to ensure that they would not be exposed to unreasonable
15 risk of harm that Defendant knew or should have known about while sailing on its vessel.
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17 13. Defendant breached its duty in that it suffered a COVID-19 outbreak on the
18 voyage just prior to the March 8, 2020 sailing, and yet Defendant's corporate office made the
19 conscious decision to continue sailing the voyage that began on March 8, 2020, with another three
20 thousand passengers on an infected ship.
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22 14. Specifically, Defendant's corporate office was aware of the outbreak, and went as
23 far as to instruct its employees of the Ruby Princess to provide vouchers to the passengers to buy
24 lunch, while they delayed the sailing for six hours so that they could further disinfect the ship
25 prior to sailing.
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1 15. In continuing to sail with another three thousand passengers, including Plaintiffs
2 on March 8, 2020, knowing that the ship and crew had already been exposed to COVID-19, the
3 Defendant, PRINCESS, had exposed Plaintiffs to actual risk of immediate physical injury.
4

5 16. Defendant is further negligent in failing to have proper screening protocols for
6 COVID-19 prior to boarding the passengers on Plaintiffs' voyage, despite their experience of
7 outbreaks on multiple ships prior to the March 8, 2020 sailing, including the outbreak on the
8 subject ship just one week prior.
9

10 17. To add insult to injury, the Defendant, PRINCESS' corporate office was aware of
11 an outbreak of COVID-19 on the March 8, 2020 sailing, and failed to even attempt to quarantine
12 any of the passengers onboard. They didn't even bother to notify the passengers that there was an
13 actual outbreak, allowing the sailing to continue as if it were a normal cruise, up until the time it
14 returned to Australia three days early.
15



25 18. As a result of the Defendant's lackadaisical approach to the safety of Plaintiffs, its
26 passengers and crew aboard the Ruby Princess, Plaintiffs contracted COVID-19 and ultimately
27 resulted in the untimely death of CHUNG CHEN.
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1 19. Finally, Defendant, PRINCESS' corporate office is negligent in failing to
2 adequately warn Plaintiffs about the potential exposure to COVID-19 prior to boarding the ship
3 on March 8, 2020, and again during the sailing of said cruise. Defendant had actual knowledge of
4 passengers and crew members with symptoms of Coronavirus during the March 8, 2020 sailing
5 and failed to inform Plaintiffs, at any time, prior to boarding or while they were already onboard,
6 that they were exposed to COVID-19.
7

8 20. If Plaintiffs had knowledge of this actual risk of exposure prior to boarding, they
9 would have never boarded the ship, and they would've boarded the first flight out of Australia
10 and returned home. Due to Defendant's outright negligence in failing to warn Plaintiffs of the
11 actual risk of exposure to COVID-19 aboard its infected ship, Plaintiffs disembarked early and
12 anxiously awaiting their fate, until they flew back to California, where Plaintiffs, JUIZHAN HSU
13 and VIVIAN CHEN, remain quarantined in their homes after testing positive for COVID-19 and
14 ultimately resulting in the untimely death of Plaintiff, CHUNG CHEN.
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25 21. As a direct and proximate result of the breach of the negligence alleged above,
26 CHUNG CHEN was pronounced dead on April 4, 2020, and the Plaintiff, JUIZHAN HSU,
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1 decedent's wife, has suffered and is suffering and will continue to suffer in the future the
2 following damages:

- 3 a. Loss of support and services
- 4
- 5 b. Loss of companionship
- 6
- 7 c. Mental pain and suffering, and
- 8
- 9 d. Medical and Funeral expenses

10 22. As a direct and proximate result of the negligence of the Defendant, PRINCESS,
11 and the ultimate death of CHUNG CHEN, his estate has suffered and will continue the suffer the
12 following damages;

- 13 a. Loss of prospective net accumulations and;
- 14
- 15 b. Medical and funeral bills and expenses charged to the Estate.

16 23. As a direct and proximate result of the negligence of the Defendant, PRINCESS,
17 Plaintiff, JUIZHAN HSU, is suffering with COVID-19 in about her body, and/or aggravated a
18 preexisting condition, suffered pain therefrom, physical handicap, incurred medical, nursing,
19 attendant care, suffered emotional distress and said damages and injuries are continuing in their
20 nature and Plaintiff will suffer such losses and impairments in the future.

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22 24. As a direct and proximate result of the breach of the negligence alleged above,
23 CHUNG CHEN was pronounced dead on April 4, 2020, and the Plaintiff, VIVIAN CHEN,
24 decedent's daughter, has suffered and is suffering and will continue to suffer in the future the
25 following damages:

- 26 a. Loss of support and services
- 27
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- b. Loss of companionship
- c. Mental pain and suffering, and
- d. Medical and Funeral expenses

25. As a direct and proximate result of the negligence of the Defendant, PRINCESS, Plaintiff, VIVIAN CHEN, is suffering with COVID-19 in about her body, and/or aggravated a preexisting condition, suffered pain therefrom, physical handicap, loss of earnings, incurred medical, nursing, attendant care, suffered emotional distress and her working ability has been impaired; said injuries are and/or can be permanent and continuing in their nature and Plaintiff will suffer such losses and impairments in the future.

WHEREFORE, Plaintiffs demand judgment against Defendant, PRINCESS CRUISE LINES LTD. for damages suffered as result of their negligence and a trial by jury on all issues triable.

COUNT II

(GROSS NEGLIGENCE AGAINST DEFENDANT PRINCESS)

26. Plaintiffs re-allege all allegations set out in paragraphs 1 through 25 above as if alleged fully herein.

27. Defendant, PRINCESS' corporate office's conduct in deciding to continue to sail the Ruby Princess with Plaintiffs, knowing that the ship was infected from a prior voyage and prior crew members who came down with symptoms of COVID-19, on board with Plaintiffs, shows a lack of any care on the part of Defendant, amounting to gross negligence. Defendant knew how dangerous it was to expose Plaintiffs and the rest of its passengers to COVID-19 in light of its experience with the Diamond Princess and two sailings on the Grand Princess, and yet

1 it departed from what a reasonably careful cruise line would do under the circumstances in
2 continuing to sail with Plaintiffs.

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4 28. Moreover, Defendant's corporate office's conduct in failing to warn Plaintiffs of
5 their actual risk of harm in being exposed to COVID-19, either prior to boarding or while they
6 were already onboard, in light of prior passengers and crew members, who came down with
7 symptoms from the prior voyage, amounts to an extreme departure of a what a reasonably careful
8 cruise line would do.

9
10 29. Defendant, PRINCESS' corporate office chose to place profits over the safety of
11 its passengers, crew and the general public in continuing to operate business as usual, despite
12 their knowledge of the actual risk of injury to Plaintiffs, one of whom was elderly and ultimately,
13 died.

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15 30. As a direct and proximate result of the gross negligence as alleged above, CHUNG
16 CHEN was pronounced dead on April 4, 2020, and the Plaintiff, JUIZHAN HSU, decedent's
17 wife, has suffered and is suffering and will continue to suffer in the future the following damages:

- 18 a. Loss of support and services
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20 b. Loss of companionship
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22 c. Mental pain and suffering, and
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24 d. Medical and Funeral expenses

25 31. As a direct and proximate result of the gross negligence of the Defendant,
26 PRINCESS, and the ultimate death of CHUNG CHEN, his estate has suffered and will continue
27 to suffer the following damages;
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- a. Loss of prospective net accumulations and;
- b. Medical and funeral bills and expenses charged to the Estate.

32. As a direct and proximate result of the gross negligence of the Defendant, PRINCESS, Plaintiff, JUIZHAN HSU, is suffering with COVID-19 in about her body, and/or aggravated a preexisting condition, suffered pain therefrom, physical handicap, incurred medical, nursing, attendant care, suffered emotional distress and has been impaired and said injuries are and/or can be permanent and continuing in their nature and Plaintiff will suffer such losses and impairments in the future.

33. As a direct and proximate result of the gross negligence alleged above, CHUNG CHEN was pronounced dead on April 4, 2020, and the Plaintiff, VIVIAN CHEN, decedent's daughter, has suffered and is suffering and will continue to suffer in the future the following damages:

- a. Loss of support and services
- b. Loss of companionship
- c. Mental pain and suffering, and
- d. Medical and Funeral expenses

34. As a direct and proximate result of the gross negligence of the Defendant, PRINCESS, Plaintiff, VIVIAN CHEN, is suffering with COVID-19 in about her body, and/or aggravated a preexisting condition, suffered pain therefrom, physical handicap, loss of earnings, incurred medical, nursing, attendant care, suffered emotional distress and her working ability has

1 been impaired; said injuries are and/or can be permanent and continuing in their nature and
2 Plaintiff will suffer such losses and impairments in the future.

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4 WHEREFORE, Plaintiffs demand punitive damages against Defendant, PRINCESS
5 CRUISE LINES LTD. as result of their gross negligence and a trial by jury on all issues triable.

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7 **DEMAND FOR JURY TRIAL**

8 The Plaintiffs hereby demand trial by jury of all issues so triable of right.

9 DATED this 15th day of April, 2020.

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