

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Miami Division

CASE NO. 22-cv-21605

MARIETTE WATERS,

Plaintiff,

vs.

**CELEBRITY CRUISES, INC.,
a Foreign Corporation,**

Defendant.

_____ /

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

Plaintiff, MARIETTE WATERS, hereby sues Defendant CELEBRITY CRUISES, INC., a Foreign Corporation (hereinafter “CELEBRITY”), for damages and demands a jury trial on all issues so triable.

JURISDICTION AND VENUE

1. This is an action under general maritime law, and the laws of Florida as applicable. This action is for damages in excess of the required minimal jurisdictional limit of \$75,000.00 (Seventy-Five Thousand Dollars), exclusive of costs, attorneys’ fees and interest, and is otherwise within the jurisdiction of this court.

2. Plaintiff is a resident of Pennsylvania. Defendant CELEBRITY is a foreign corporation with its principal place of business in Miami, Florida. Accordingly, diversity of citizenship jurisdiction exists for this case under 28 U.S.C. §1332.

3. Venue is proper in this District pursuant to 28 U.S.C. §1391(b) because Defendant CELEBRITY resides in this District and is engaged in and doing business in Miami-Dade County, Florida, with its worldwide headquarters, principal address, and principal place of business located at 1050 Caribbean Way, Miami, Florida, 33132.

4. In addition, jurisdiction and venue are proper against Defendant CELEBRITY, as the passenger ticket contract requires that this action be brought in the United States District Court for the Southern District in Miami-Dade County, Florida.

5. Plaintiff has complied with all conditions precedent to the filing of this lawsuit.

THE PARTIES

6. Plaintiff MARIETTE WATERS, is a resident of Pennsylvania, over the age of 18, and otherwise *sui juris*.

7. Defendant CELEBRITY is a foreign corporation for profit, engaged in, and doing business in, Miami-Dade County, Florida, with its worldwide headquarters, principal address, and principal place of business located at 1050 Caribbean Way, Miami, Florida 33132.

8. Defendant CELEBRITY is a common carrier engaged in the business of marketing, selling and operating a cruise line out of various ports within the continental United States, including Miami, Florida. Defendant CELEBRITY derives substantial revenues from cruises originating and terminating in various ports in the State of Florida, including Miami-Dade, County, Florida.

9. At all times material hereto, Defendant CELEBRITY was the bare-boat charterer of a sea-faring passenger vessel and cruise ship, the *Celebrity Apex*, hereinafter “subject vessel.”

10. At all times material, Defendant CELEBRITY owned, operated, managed, maintained, supervised, chartered, and/or controlled the subject vessel.

11. At all times material, Defendant CELEBRITY owed a duty to provide competent medical care and facilities, as well as personnel capable of making sound medical and evacuation decisions.

12. At all times material, Defendant CELEBRITY advertised that the subject vessel's onboard medical center was staffed by licensed physicians and nurses and that it is well-equipped to handle most emergencies.

13. At all times material, Defendant CELEBRITY charged money to passengers for medical services provided. As such, Defendant CELEBRITY is in the business of providing medical services to passengers for profit, and owe a non-delegable duty to provide competent and non-negligent medical care and services.

14. At all times material, Defendant CELEBRITY owned, operated, controlled, and/or maintained the medical center aboard the subject vessel.

15. At all times Defendant CELEBRITY was vicariously and/or jointly liable for the negligence of all doctors, nurses, and other personnel working in the medical facility of the subject vessel, who were employees, apparent agents, actual agents and/or joint venturers of Defendant CELEBRITY.

16. At all times material, Defendant CELEBRITY had control and/or the right to control any and all persons working in its medical department.

GENERAL ALLEGATIONS

17. At all times material, Plaintiff MARIETTE WATERS was a fare-paying passenger aboard the subject vessel for a seven-day cruise vacation beginning December 4, 2021.

18. On December 9, 2021, Mrs. Waters reported to the shipboard medical center on the subject vessel for evaluation of a rectal bleed. She was admitted to the medical center and ultimately diagnosed with a gastrointestinal hemorrhage. The shipboard medical staff noted her hemoglobin had dropped, and her face was extremely pale. The medical staff explained to Ms. Waters and her husband that her condition was life-threatening, and she would require emergency blood transfusions to survive. Ms. Waters signed all necessary paperwork and agreed to the blood transfusions in light of the medical staff's statements that she would likely die if she refused. Despite the associated risks of the blood transfusions, Ms. Waters always expected and believed that Defendant CELEBRITY would solicit blood, screen donors, and perform the transfusions in a safe and/or reasonable manner given the available resources, and that Defendant CELEBRITY would follow its own policies, procedures, and directives relating to transfusions.

19. Defendant CELEBRITY does not store donor blood on the subject vessel for transfusions. Therefore, Defendant CELEBRITY attempted to solicit Type A-Negative blood from guests on the subject vessel via the public address (PA) system. Defendant CELEBRITY ultimately obtained blood from four passengers who were unknown to Ms. Waters and unknown to Defendant CELEBRITY. In the course of soliciting the blood, screening the donors, screening the blood, and administering the transfusions, representatives of Defendant CELEBRITY and its medical staff were negligent, breached the applicable standards of care, and violated Defendant CELEBRITY's policies, procedures, and directives, as described below. As a result, Defendant CELEBRITY's medical staff infected Mrs. Waters with HIV (human immunodeficiency virus), which will cause her severe physical, emotional, and financial harm for the remainder of her life.

COUNT I: MEDICAL NEGLIGENCE OF CELEBRITY

Plaintiff affirms and adopts paragraphs 1-19 as though fully set forth herein and further alleges that:

20. Defendant CELEBRITY, through its employees, servants, and/or representatives, was negligent and breached the applicable standard of care owed to Plaintiff by committing one or more of the following acts and/or omissions:

- a. Failing to provide reasonably competent medical care to Plaintiff;
- b. Deviating from the applicable standard of care relating to the administration of blood transfusions;
- c. Deviating from the applicable standard of care relating to solicitation and screening of blood donors;
- d. Deviating from the applicable standard of care relating to screening and testing of donor blood;
- e. Deviating from the applicable standard of care relating to the preferred selection donors of blood;
- f. Violating its own policies and procedures relating to the administration of blood transfusions;
- g. Violating its own policies and procedures relating to solicitation and screening of blood donors;
- h. Violating its own policies and procedures relating to screening and testing of donor blood;
- i. Violating its own policies and procedures relating to the preferred selection blood donors;
- j. Failing to adequately rapid test the donor blood for HIV;
- k. Failing to ensure the availability of HIV rapid tests on the subject vessel;

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