

IN THE CIRCUIT COURT OF THE 11th  
JUDICIAL CIRCUIT IN AND FOR  
MIAMI-DADE COUNTY, FLORIDA

CASE NO. 06-4472 CA 05

CIPRIAN FLUERAS, et al.,

Plaintiffs,

vs.

ROYAL CARIBBEAN CRUISES, LTD.,

Defendant.

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ORDER GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

THIS CAUSE came on to be heard on defendant's motion for summary judgment. The Court has reviewed the court file, the motion, the plaintiff's motion in opposition to summary judgment and the relevant case law and is otherwise fully advised in the premises. Accordingly, the Court finds as follows:

1. The Florida Supreme Court has recently held that "[a]ctions which allege malpractice of a doctor on the high seas fall "within the purview of federal admiralty jurisdiction...[however] state courts have concurrent jurisdiction with the federal courts as to in personam claims based on maritime torts...Both the federal and the state courts must apply federal maritime law that directly addresses the issues at hand." Carnival Corporation v. Carlisle, 953 So. 2d 461 (Fla. 2007).

2. The Court notes that the isolated negligent act of an individual crew member or employee does not render the ship unseaworthy. See, e.g. Usner v. Luckenbach Overseas, Inc., 400 U.S. 494 (1971). But see Olsen v. American Steamship Co., 176 F. 3d 891 (6<sup>th</sup> Cir. 1999).

WHEREUPON, it is hereby ORDERED and ADJUDGED that defendant's motion for Summary Judgment is GRANTED

JAN 15 2008

DONE and ORDERED in Chambers at Miami-Dade County, this \_\_\_\_ day of January, 2008.

JON I. GORDON, CIRCUIT JUDGE

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JON I. GORDON  
CIRCUIT COURT JUDGE

Copies furnished to:  
All counsel of record