

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

4 PAMELA WORTMAN, individually,
5 and PAMELA WORTMAN, as Pending
6 Personal Representative of the ESTATE
7 OF EDWARD MIRELES,

CASE NO.: 2:20-cv-4169

8 Plaintiffs,

9 V.

10 PRINCESS CRUISE LINES LTD.

11 Defendant.

12 **COMPLAINT AND JURY DEMAND**

13 Plaintiffs, by and through their undersigned counsel, hereby sues Defendant, PRINCESS
14 CRUISE LINES LTD. (hereinafter, "PRINCESS"), and alleges the following:

15 **THE PARTIES AND JURISDICTION**

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

18 2. This Court has diversity subject matter jurisdiction pursuant to 28 U.S.C. §1332 as
19 this is a civil action in which the matter in controversy exceeds the sum or value of \$75,000.00,
20 exclusive of interest and costs, and is between citizens of different States and/or citizens of a State
21 and citizens or subjects of a foreign state.

22 3. This Court also has Admiralty subject matter jurisdiction pursuant to 28 U.S.C.
23 §1333 as this case involves a maritime tort. The type of incident and injuries suffered by Plaintiffs
24 had the potential to impact maritime commerce as Plaintiffs were at serious risk of imminent
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1 harm as a result of being exposed to the Coronavirus running rampant aboard the cruise ship upon
2 which they were paying passengers.

3 4. Plaintiff, PAMELA WORTMAN, is sui juris, and is a resident of Placer County,
4 California. Plaintiff was a passenger onboard the cruise ship RUBY PRINCESS. She is expected
5 to be appointed as Personal Representative of the ESTATE OF EDWARD MIRELES as Executor
6 of EDWARD MIRELES's Estate, pursuant to California Statute Section 377.60.
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8 5. EDWARD MIRELES was a passenger onboard the cruise ship, RUBY
9 PRINCESS, and he died on or about April 7, 2020, in Placer County, California, as a result of
10 contracting COVID-19.
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12 6. Princess Cruise Lines LTD. is incorporated in Bermuda, with its headquarters in
13 Santa Clarita California. The action is being filed in this Court pursuant to the terms and
14 conditions of the Passenger Contract issued by Defendant, Princess Cruise Lines Ltd.
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16 7. At all times hereto, PRINCESS owned and operated the cruise ship the Ruby
17 Princess.
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19 8. Plaintiffs, PAMELA WORTMAN and EDWARD MIRELES, now deceased, were
20 passengers aboard the Ruby Princess which departed out of Sydney, Australia on March 8, 2020.
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22 9. This Court has personal jurisdiction over PRINCESS as PRINCESS' principle
23 place of business is located in Los Angeles County, Los Angeles.
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25 **FACTUAL BACKGROUND**

26 In the recent months, there has been a worldwide outbreak of a new strain of the Corona
27 virus, commonly known as COVID-19. The virus began in China in December 2019, and has
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1 quickly spread throughout Asia, Europe and most recently, North America. The virus causes
2 temperature, a dry cough, and can be fatal. There have been over One Hundred Thousand cases
3 worldwide and over Three Thousand deaths as result of COVID-19. Those fatalities have largely
4 been amongst the elderly population, and those with underlying medical complications.
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6 COVID-19 really gained the attention of the public when the Diamond Princess Cruise
7 ship, also owned and operated by Defendant, suffered an outbreak of the disease at the beginning
8 of February 2020 in Yokohama, Japan. The outbreak began with ten cases, and rapidly
9 multiplied to seven hundred cases, as a result of the flawed two week quarantine on the ship. The
10 Center for Disease Control, (CDC) issued a statement on February 18, 2020, that “the rate of new
11 reports of positives new on board, (Diamond Princess), especially among those without
12 symptoms, highlights the high burden of infection on the ship and potential for ongoing risk.”
13 Seven of Defendant’s passengers died as a result of COVID-19.
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16 Subsequently, Princess Cruises suffered two additional outbreaks on the Grand Princess
17 sailings of February 11, 2020 and February 21, 2020 out of San Francisco, resulting in more than
18 four deaths and hundreds of infections to its passengers and crew members. Despite having
19 experienced three major outbreaks on its ships, Princess Cruises kept sailing out of various ports
20 of call around the world, including the Ruby Princess ship which sailed out of Sydney, Australia
21 on March 8, 2020.
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23 Princess Cruises decided to sail on March 8, 2020, despite their knowledge of the
24 significant risk of harm to their passengers and crew members, in light of their three prior
25 voyages on other ships that resulted in outbreaks of the disease in catastrophic proportions. More
26 importantly, Princess Cruises experienced an outbreak of COVID-19 on the Ruby Princess on the
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1 sailing just prior to the March 8, 2020 voyage, and yet they recklessly decided to board another
2 three thousand passengers on March 8, 2020, and put their lives at risk.

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4 **COUNT I**

5 **(NEGLIGENCE AGAINST PRINCESS CRUISE LINES LTD.)**

6 10. Plaintiffs re-allege all allegations in paragraphs 1 through 9 above as if fully
7 alleged herein.

8 11. PRINCESS owed Plaintiffs, who were paying passengers, who boarded the Ruby
9 Princess on March 8, 2020, the duty to ensure that they would not be exposed to unreasonable
10 risk of harm that Defendant knew or should have known about while sailing on its vessel.

11 12. Defendant breached its duty in that it suffered a COVID-19 outbreak on the
12 voyage just prior to the March 8, 2020 sailing, and yet Defendant's corporate office made the
13 conscious decision to continue sailing the voyage that began on March 8, 2020, with another three
14 thousand passengers on an infected ship.

15 13. Specifically, Defendant's corporate office was aware of the outbreak, and went as
16 far as to instruct its employees of the Ruby Princess to provide vouchers to the passengers to buy
17 lunch, while they delayed the sailing for six hours so that they could further disinfect the ship
18 prior to sailing.

19 14. In continuing to sail with another three thousand passengers, including Plaintiffs
20 on March 8, 2020, knowing that the ship and crew had already been exposed to COVID-19, the
21 Defendant, PRINCESS, had exposed Plaintiffs to actual risk of immediate physical injury.

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

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

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1 17. As a result of the Defendant's lackadaisical approach to the safety of Plaintiffs, its
2 passengers and crew aboard the Ruby Princess, Plaintiff, EDWARD MIRELES, contracted
3 COVID-19 and ultimately resulted in his untimely death.
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5 18. Finally, Defendant, PRINCESS' corporate office is negligent in failing to
6 adequately warn Plaintiffs about the potential exposure to COVID-19 prior to boarding the ship
7 on March 8, 2020, and again during the sailing of said cruise. Defendant had actual knowledge of
8 passengers and crew members with symptoms of Coronavirus during the March 8, 2020 sailing
9 and failed to inform Plaintiffs, at any time, prior to boarding or while they were already onboard,
10 that they were exposed to COVID-19.
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12 19. If Plaintiffs had knowledge of this actual risk of exposure prior to boarding, they
13 would have never boarded the ship, and they would've boarded the first flight out of Australia
14 and returned home. Due to Defendant's outright negligence in failing to warn Plaintiffs of the
15 actual risk of exposure to COVID-19 aboard its infected ship, Plaintiffs disembarked early and
16 anxiously awaited their fate, until they flew back to California, where Plaintiff, PAMELA
17 WORTMAN, remains quarantined in her home after testing positive for COVID-19 and
18 ultimately resulting in the untimely death of Plaintiff, EDWARD MIRELES.
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20 20. As a direct and proximate result of the negligence alleged above, EDWARD
21 MIRELES was pronounced dead on April 7, 2020. The Estate has suffered and will continue to
22 suffer the following damages.
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- 24 a. Loss of prospective net accumulations and;
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26 b. Medical and funeral bills and expenses charged to the Estate;
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1 were already onboard, in light of prior passengers and crew members, who came down with
2 symptoms from the prior voyage, amounts to an extreme departure of a what a reasonably careful
3 cruise line would do.

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5 25. Defendant, PRINCESS' corporate office chose to place profits over the safety of
6 its passengers, crew and the general public in continuing to operate business as usual, despite
7 their knowledge of the actual risk of injury to Plaintiffs, one of whom was elderly and ultimately,
8 died.

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10 26. As a direct and proximate result of the gross negligence alleged above, EDWARD
11 MIRELES was pronounced dead on April 7, 2020. The Estate has suffered and will continue to
12 suffer the following damages.

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

18 27. As a direct and proximate result of the gross negligence of the Defendant, Plaintiff,
19 PAMELA WORTMAN, is suffering with COVID-19 in about her body, suffered pain therefrom,
20 physical handicap, incurred medical care, suffered emotional distress and said damages and
21 injuries are continuing in their nature and Plaintiff will suffer such losses and impairments in the
22 future.

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24 WHEREFORE, Plaintiffs demand punitive damages against Defendant, PRINCESS
25 CRUISE LINES LTD. as result of their gross negligence and a trial by jury on all issues triable.
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DEMAND FOR JURY TRIAL

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

DATED this 7th day of May, 2020.

Michael A. Simmrin, Esq.
SIMMRIN LAW GROUP
3500 W. Olive Avenue, Suite 300
Burbank, CA 91505
Tel.: 818-827-7171
Fax: 424-653-6564

By Michael A. Simmrin
MICHAEL A. SIMMRIN
California Bar No.238092

Debi F. Chalik, Esq. (Pro Hac Vice Pending)
CHALIK & CHALIK, P.A.
Attorneys for Plaintiff
10063 N. W. 1st Court
Plantation, Florida 33324
Tel.: (954) 476-1000
Fax: (954) 472-1173

By Debi F. Chalik
DEBI F. CHALIK
Florida Bar No. 179566