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24 UNITED STATES DISTRICT COURT
25 CENTRAL DISTRICT OF CALIFORNIA

26 CYNTHIA LYNN FORD; JAMES DAVID
27 ARTHUR FORD; CAROLE KEALY;
28 KELLY SANDOVAL; RUBEN
SANDOVAL; STEPHEN COLLINS;
SARAH DAVIES; KURT EMERALD;
TRACY EMERALD; LARRY A. FISHER;
RITA FISHER; DAVID GONSALVES;
MARY ANN GONSALVES; TRACIE
LING; BRIAN LOSIE; PEGGY LOSIE;
JOHN MILLER; RENATE MILLER;
KENNETH PRAG; MARIE RIVERA;
PAUL RIVERA; JOHN SHATERIAN; and
JUDITH SHATERIAN, on behalf of
themselves and all others similarly situated,

Plaintiffs,

vs.

CARNIVAL CORPORATION;
CARNIVAL PLC and PRINCESS CRUISE
LINES LTD.,
Defendants.

Case No.: 2:20-CV-06226

**CLASS ACTION COMPLAINT
FOR DAMAGES**

1. NEGLIGENCE
2. GROSS NEGLIGENCE
3. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
4. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

DEMAND FOR JURY TRIAL

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COMPLAINT AND JURY DEMAND

Individual and representative Plaintiffs CYNTHIA LYNN FORD; JAMES DAVID ARTHUR FORD; CAROLE KEALY; KELLY SANDOVAL; and RUBEN SANDOVAL bring this action for themselves and on behalf of all persons similarly situated, including Individual Plaintiffs STEPHEN COLLINS; SARAH DAVIES; KURT EMERALD; TRACY EMERALD; LARRY A. FISHER; RITA FISHER; DAVID GONSALVES; MARY ANN GONSALVES; TRACIE LING; BRIAN LOSIE; PEGGY LOSIE; JOHN MILLER; RENATE MILLER; KENNETH PRAG; MARIE RIVERA; PAUL RIVERA; JOHN SHATERIAN; and JUDITH SHATERIAN, and the more than 2000 other passengers who sailed on the roundtrip Motor Vessel (“M/V”) GRAND PRINCESS cruise from San Francisco, California on February 11, 2020, to Mexico, against Defendants, PRINCESS CRUISE LINES LTD. (“PRINCESS”), its parent companies CARNIVAL CORPORATION & CARNIVAL PLC (collectively, “CARNIVAL”) and allege:

THE PARTIES

1. Individual and representative Plaintiff Cynthia Lynn Ford is *sui juris*, a resident of Placer County, California, and was a passenger onboard the Grand Princess cruise from February 11, 2020, to disembarkation on February 21, 2020.

2. Individual and representative Plaintiff James David Arthur Ford is *sui juris*, a resident of Placer County, California, and was a passenger onboard the Grand Princess cruise from February 11, 2020, to disembarkation on February 21, 2020.

3. Individual and representative Plaintiff Carole Kealy is *sui juris*, a resident of San Francisco County, California, and was a passenger onboard the Grand Princess cruise from February 11, 2020, to disembarkation on February 21, 2020.

1 4. Individual and representative Plaintiff Kelly Sandoval is *sui juris*, a
2 resident of Shasta County, California, and was a passenger onboard the Grand
3 Princess cruise from February 11, 2020, to disembarkation on February 21, 2020.

4 5. Individual and representative Plaintiff Ruben Sandoval is *sui juris*, a
5 resident of Shasta County, California, and was a passenger onboard the Grand
6 Princess cruise from February 11, 2020, to disembarkation on February 21, 2020.

7 6. Individual Plaintiff Stephen Collins is *sui juris*, a resident of San
8 Francisco County, California, and was a passenger onboard the Grand Princess
9 cruise from February 11, 2020, and continued onboard the ship to Hawaii. He
10 disembarked on or about March 10, 2020.

11 7. Individual Plaintiff Sarah Davies is *sui juris*, a resident of Solano
12 County, California, and was a passenger onboard the Grand Princess cruise from
13 February 11, 2020, to disembarkation on February 21, 2020.

14 8. Individual Plaintiff Kurt Emerald is *sui juris*, a resident of Shasta
15 County, California, and was a passenger onboard the Grand Princess cruise from
16 February 11, 2020, to disembarkation on February 21, 2020.

17 9. Individual Plaintiff Tracy Emerald is *sui juris*, a resident of Shasta
18 County, California, and was a passenger onboard the Grand Princess cruise from
19 February 11, 2020, to disembarkation on February 21, 2020.

20 10. Individual Plaintiff Larry A. Fisher is *sui juris*, a resident of Alameda
21 County, California, and was a passenger onboard the Grand Princess cruise from
22 February 11, 2020, to disembarkation on February 21, 2020.

23 11. Individual Plaintiff Rita Fisher is *sui juris*, a resident of Alameda
24 County, California, and was a passenger onboard the Grand Princess cruise from
25 February 11, 2020, to disembarkation on February 21, 2020.

26 12. Individual Plaintiff David Gonsalves is *sui juris*, a resident of Contra
27 Costa County, California, and was a passenger onboard the Grand Princess cruise
28 from February 11, 2020, to disembarkation on February 21, 2020.

1 13. Individual Plaintiff Mary Ann Gonsalves is *sui juris*, a resident of
2 Contra Costa County, California, and was a passenger onboard the Grand Princess
3 cruise from February 11, 2020, to disembarkation on February 21, 2020.

4 14. Individual Plaintiff Tracie Ling is *sui juris*, a resident of Solano
5 County, California, and was a passenger onboard the Grand Princess cruise from
6 February 11, 2020, to disembarkation on February 21, 2020.

7 15. Individual Plaintiff Brian Losie is *sui juris*, a resident of British
8 Columbia, Canada, and was a passenger onboard the Grand Princess cruise from
9 February 11, 2020, and continued onboard the ship to Hawaii. He disembarked on
10 March 9, 2020.

11 16. Individual Plaintiff Peggy Losie is *sui juris*, a resident of British
12 Columbia, Canada, and was a passenger onboard the Grand Princess cruise from
13 February 11, 2020, and continued onboard the ship to Hawaii. She disembarked on
14 March 9, 2020.

15 17. Individual Plaintiff John Miller is *sui juris*, a resident of Sonoma
16 County, California, and was a passenger onboard the Grand Princess cruise from
17 February 11, 2020, to disembarkation on February 21, 2020.

18 18. Individual Plaintiff Renate Miller is *sui juris*, a resident of Sonoma
19 County, California, and was a passenger onboard the Grand Princess cruise from
20 February 11, 2020, to disembarkation on February 21, 2020.

21 19. Individual Plaintiff Kenneth Prag is *sui juris*, a resident of San
22 Francisco County, California, and was a passenger onboard the Grand Princess
23 cruise from February 11, 2020, and continued onboard the ship to Hawaii. He
24 disembarked on March 10, 2020.

25 20. Individual Plaintiff Marie Rivera is *sui juris*, a resident of Contra
26 Costa County, California, and was a passenger onboard the Grand Princess cruise
27 from February 11, 2020, to disembarkation on February 21, 2020.
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1 commerce as Plaintiffs and the Class suffered harm and Plaintiffs and the Class
2 were and continue to be at serious risk of imminent harm as a result of exposure to
3 COVID-19 aboard the cruise ship upon which they were paying passengers.

4 37. This Court also has subject matter jurisdiction pursuant to the Class
5 Action Fairness Act, codified at 28 USC §1332(d)(2)(A) and (C), because the
6 claims of the proposed Class Members exceed \$5,000,000 and because at least one
7 member of the Proposed Class of plaintiffs is a citizen of a state different from at
8 least one Defendant.

9 38. This Court has personal jurisdiction over Defendants, who each
10 conduct substantial business in this district.

11 39. Defendant PRINCESS has its headquarters in Santa Clarita, California.

12 40. Upon information and belief, CARNIVAL, including by and through
13 its subsidiary, PRINCESS, markets cruise vacations to California residents and
14 employs thousands of California residents to work at its California headquarters.
15 The Court has personal jurisdiction over CARNIVAL because CARNIVAL is
16 authorized to do business in California, conducts substantial business in California,
17 and some of the actions giving rise to this Complaint took place in California.

18 41. The claims asserted herein arise from Defendants' contacts with
19 California.

20 42. Additionally, each of the Defendants purports to be a party to the
21 Passage Contract, which purports to name the Central District as proper venue to
22 actions against Defendants. Although Plaintiffs do not concede the enforceability of
23 the Passage Contract, by naming this District as a proper venue, Defendants have
24 consented to personal jurisdiction in this District.

25 43. Each of the facts pleaded herein independently, but also all of these
26 facts together, are sufficient to render the exercise of jurisdiction by this Court over
27 Defendants permissible under traditional notions of fair play and substantial justice.
28

1 VENUE

2 44. Venue in the Central District of California is proper under 28 U.S.C. §
3 1391 because Defendants are deemed to reside in any judicial district in which they
4 are subject to personal jurisdiction.

5 45. Additionally, without conceding the enforceability of the Passage
6 Contract, Plaintiffs acknowledge the inclusion in the Passage Contract of a venue
7 selection provision designating the United States District Court for the Central
8 District of California in Los Angeles as a proper venue for this action.

9 FACTUAL BACKGROUND

10 46. In December 2019, a new strain of Coronavirus known as COVID-19
11 or SARS-CoV-2 was first observed in humans in China. The virus quickly spread
12 through China and Asia and has caused a global pandemic. Infection with COVID-
13 19 is generally associated with symptoms such as fever, a dry cough, shortness of
14 breath, infection, and pneumonia, and it can be fatal.

15 47. In addition to the cold- and flu-like symptoms COVID-19 patients
16 typically experience, the virus has been linked to loss of taste and smell, blood
17 clots, severe strokes, heart inflammation, acute kidney disease, intestinal damage,
18 liver damage, and neurological problems.¹ Clinicians and public health experts
19 continue to learn more about the virus, its effects on the human body, and the
20 residual impact on the health of those who have been exposed to or infected with
21 COVID-19.

22 48. As of the filing of this complaint, there have been over 3.2 million
23 cases and over 134,000 deaths in the United States as a result of COVID-19. Over
24 4,500 cases and, as of this filing, 50 deaths have been reported in San Francisco.

25 _____
26 ¹ Lenny Bernstein, Carolyn Y. Johnson, Sarah Kaplan and Laurie McGinley.
27 *Coronavirus destroys lungs. But doctors are finding its damage in kidneys, hearts,
28 and elsewhere.*, The Washington Post. April 15, 2020.
https://www.washingtonpost.com/health/coronavirus-destroys-lungs-but-doctors-are-finding-its-damage-in-kidneys-hearts-and-elsewhere/2020/04/14/7ff71ee0-7db1-11ea-a3ee-13e1ae0a3571_story.html (last visited April 29, 2020).

1 49. On January 30, 2020, the World Health Organization declared
2 COVID-19 a global health emergency.

3 50. In early February 2020, experts in the European Union, led by
4 epidemiologist Dr. Christou Hadjichristodoulou, released guidelines for the cruise
5 industry that included an outline of the risk of COVID-19 outbreaks aboard cruise
6 ships and recommended response protocols.² Specifically, the guidelines directed
7 that, in the event of a COVID-19 case, close contacts of the case should be
8 quarantined in their cabin or on shore, and “casual contacts” should be
9 disembarked.³

10 51. Defendants CARNIVAL and PRINCESS represent that they have a
11 commitment to “the health, safety, and security” of their passengers and promote
12 their business as one that “always strives to be free of injuries, illness and loss.”⁴
13 They further assert that they “[s]upport a proactive framework of risk mitigation in
14 the areas of HESS [Health, Environment, Safety, Security] aimed at preventing,
15 monitoring and responding to threats.”⁵

16 _____
17 ² Interim Advice for Preparedness and Response to Cases of Acute Respiratory
18 Disease at Points of Entry in the European Union (EU) / EEA Member States (MS):
19 Advice for ship operators for preparedness and response to the outbreak of 2019-
20 nCoV acute respiratory disease, Feb. 3, 2020,
21 [https://www.gac.com/491364/siteassets/about-gac/coronavirus/eu-interim-
22 advice_2019-ncov_maritime_4_2_2020_f.pdf](https://www.gac.com/491364/siteassets/about-gac/coronavirus/eu-interim-advice_2019-ncov_maritime_4_2_2020_f.pdf) (last visited April 6, 2020); *see also*
23 Matt Apuzzo, Motoko Rich and David Yaffe-Bellany, *Failures on Diamond
24 Princess Shadow Another Cruise Ship Outbreak*, The New York Times, March 8,
25 2020, [https://www.nytimes.com/2020/03/08/world/asia/coronavirus-cruise-
26 ship.html](https://www.nytimes.com/2020/03/08/world/asia/coronavirus-cruise-ship.html) (last visited April 6, 2020).

27 ³ Healthy GateWays, Algorithm for decision making in response to an event of a
28 suspect case of COVID-19,
<https://www.nytimes.com/2020/03/08/world/asia/coronavirus-cruise-ship.html> (last
visited April 6, 2020).

⁴ Carnival Health, Environment, Safety, Security & Sustainability Policy &
Governance, Carnival Health, Environment, Safety, Security & Sustainability
Policy & Governance, [https://www.carnivalcorp.com/leading-responsibly/health-
environment-safety-security-sustainability-policy-governance/](https://www.carnivalcorp.com/leading-responsibly/health-environment-safety-security-sustainability-policy-governance/) (last visited April 7,
2020).

⁵ Carnival Corporation & PLC Health, Environmental, Safety, Security, and
Sustainability Corporate Policy, <https://www.carnivalcorp.com/static->

1 52. However, in or before early February 2020, Defendants became aware
2 of an outbreak of COVID-19 aboard the cruise ship the DIAMOND PRINCESS,
3 which is operated by CARNIVAL and PRINCESS. The outbreak originated on the
4 DIAMOND PRINCESS while the vessel was docked in Yokohama, Japan. Ten
5 cases were originally diagnosed, and that number rapidly escalated to over 700
6 cases—over one-fifth of the passengers onboard. Investigative reporting about the
7 Diamond Princess alleges that well after CARNIVAL and PRINCESS became
8 aware of the first case aboard the ship, Defendants worked to “keep the fun going”
9 by “encouraging [guests] to mingle.”⁶

10 53. To date, at least 14 of the DIAMOND PRINCESS’ passengers have
11 died as a result of COVID-19,⁷ and cruises run by CARNIVAL have been
12 identified as responsible for more than 1,500 positive COVID-19 infections, and
13 almost 40 deaths.

14 54. On February 11, 2020—approximately ten days after Defendants
15 learned about the infection aboard the DIAMOND PRINCESS—Defendants
16 boarded Plaintiffs and over 2,000 other passengers onto the M/V GRAND
17 PRINCESS for a roundtrip voyage to Mexico without conducting any effective
18 medical screenings for passengers and without providing any additional
19 information about best practices to mitigate or prevent the spread of COVID-19.

20 55. Upon information and belief, throughout the course of the 10-day
21 voyage to Mexico, Defendants did not alter their on-ship protocols, event
22 itineraries, or cleaning and disinfectant practices in order to prevent the spread of
23 COVID-19. Defendants did not, for example, institute any medical examination or

24 files/0b8327aa-c3be-4022-a1a5-a6dad7123af7 (last visited April 7, 2020).

25 ⁶ Austin Carr and Chris Palmieri, *Socially Distance This: Carnival Executives*
26 *Knew They Had a Virus Problem, But Kept the Party Going*, Bloomberg, April 16,
27 2020, <https://www.bloomberg.com/features/2020-carnival-cruise-coronavirus/> (last
28 visited April 20, 2020).

⁷ Lauren Smiley, *27 Days in Tokyo Bay: What Happened on the Diamond Princess*,
Wired, May 13, 2020, [https://www.wired.com/story/diamond-princess-coronavirus-
covid-19-tokyo-bay/](https://www.wired.com/story/diamond-princess-coronavirus-covid-19-tokyo-bay/).

1 screening procedures for passengers leaving and returning to the ship at any of the
2 M/V GRAND PRINCESS's ports of call. Nor did Defendants provide passengers
3 onboard the M/V GRAND PRINCESS any information about COVID-19.

4 56. On or around February 19, 2020, Defendants became aware of at least
5 one passenger suffering from COVID-19 symptoms onboard the M/V GRAND
6 PRINCESS, but they did not alert Plaintiffs or other passengers aboard the ship,
7 and did not put into place any quarantine requirements or shelter-in-place and social
8 distancing protocols.

9 57. According to CARNIVAL's Chief Medical Officer, Grant Tarling,
10 MD, MPH, Defendants believed the infected passenger was carrying the virus when
11 he boarded the M/V GRAND PRINCESS on February 11, 2020, but because
12 Defendants did not provide any screening for passengers, they were unaware of his
13 condition.⁸

14 58. Dr. Tarling reported that the infected passenger sought medical
15 treatment from the medical center onboard the M/V GRAND PRINCESS on
16 February 20, 2020. The passenger reported suffering from "acute respiratory
17 distress" for about a week before seeking treatment. Dr. Tarling did not say whether
18 the passenger had sought any medical help prior to February 20, 2020. Upon
19 information and belief, this information would have triggered mandatory reporting
20 under 42 CFR 71.1 *et seq.* and constitutes a "hazardous condition" per 33 CFR §
21 160.216.⁹

22 ⁸ Thomas Fuller, John Eligon, and Jenny Gross, *Cruise Ship, Floating Symbol of*
23 *America's Fear of Coronavirus, Docks in Oakland*, The New York Times, March
24 9, 2020, <https://www.nytimes.com/2020/03/09/us/coronavirus-cruise-ship-oakland-grand-princess.html> (last visited April 7, 2020).

25 ⁹ Section 160.216 requires that "[w]henver there is a hazardous condition ... on
26 board a vessel or caused by a vessel or its operation, the owner, agent, master,
27 operator, or person in charge must immediately notify the nearest Coast Guard
28 Sector Office" A "[h]azardous condition means any condition that may
adversely affect the safety of any vessel ... or the environmental quality of any port,
harbor, or navigable waterway of the United States. It may, but need not,
involve ... injury or illness of a person aboard" 33 CFR § 160.202 (emphasis
added).

1 59. Upon information and belief, multiple passengers on the M/V GRAND
2 PRINCESS's Mexico trip suffered from COVID-19 symptoms while on the vessel,
3 exposing other passengers, including Plaintiffs, and crew members onboard the ship
4 to the virus. At least 100 passengers who traveled on board the M/V GRAND
5 PRINCESS have tested positive for COVID-19, and at least two passengers who
6 traveled on the M/V GRAND PRINCESS's Mexico trip died after disembarking.¹⁰
7 One of these fatalities was the first-reported death caused by COVID-19 in
8 California.¹¹

9 60. On February 21, 2020, the M/V GRAND PRINCESS arrived at port in
10 San Francisco and most of the passengers from the Mexico trip disembarked. Some
11 passengers, including Plaintiffs Brian Losie, Peggy Losie, Kenneth Prag, and
12 Stephen Collins, remained onboard to travel on the ship's subsequent voyage
13 headed to Hawaii.

14 61. Upon information and belief, on or about February 25, 2020,
15 CARNIVAL and PRINCESS emailed passengers that had traveled on the M/V
16 GRAND PRINCESS's trip to Mexico alerting them that some of their fellow
17 travelers had suffered from COVID-19 and that they may have been exposed to
18 COVID-19.

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21 ¹⁰ Mark Berman, *Two Grand Princess passengers die from coronavirus, officials*
22 *say*, The Washington Post, March 25, 2020,
[https://www.washingtonpost.com/nation/2020/03/25/two-grand-princess-](https://www.washingtonpost.com/nation/2020/03/25/two-grand-princess-passengers-died-coronavirus-officials-say/)
[passengers-died-coronavirus-officials-say/](https://www.washingtonpost.com/nation/2020/03/25/two-grand-princess-passengers-died-coronavirus-officials-say/) (last visited May 19, 2020).

23 ¹¹ It has since been discovered that other Californians suffered from and died as a
24 result of COVID-19 prior to the February 11, 2020 cruise aboard the M/V GRAND
25 PRINCESS. Nevertheless, the death of a Placer County resident who traveled on
26 the M/V GRAND PRINCESS's February 11, 2020 cruise to Mexico spurred the
27 state's initial stay-at-home orders. *See* Placer County Announces Death of Patient
28 with COVID-19, March 4, 2020, [https://www.placer.ca.gov/6438/Death-of-patient-](https://www.placer.ca.gov/6438/Death-of-patient-with-COVID-19)
[with-COVID-19](https://www.placer.ca.gov/6438/Death-of-patient-with-COVID-19) (last visited May 19, 2020); Bill Chapel, *Coronavirus Deaths in*
Washington and California, Where Gov. Declares Emergency, NPR, March 4,
2020, [https://www.npr.org/sections/health-](https://www.npr.org/sections/health-shots/2020/03/04/812121540/coronavirus-los-angeles-declares-emergency-and-u-s-reports-80-cases-in-13-states)
[shots/2020/03/04/812121540/coronavirus-los-angeles-declares-emergency-and-u-s-](https://www.npr.org/sections/health-shots/2020/03/04/812121540/coronavirus-los-angeles-declares-emergency-and-u-s-reports-80-cases-in-13-states)
[reports-80-cases-in-13-states](https://www.npr.org/sections/health-shots/2020/03/04/812121540/coronavirus-los-angeles-declares-emergency-and-u-s-reports-80-cases-in-13-states) (last visited May 19, 2020).

1 62. On March 4, 2020, Defendants alerted passengers who had embarked
2 upon the Hawaii-bound trip aboard the M/V GRAND PRINCESS on February 21,
3 2020, about a “small cluster of COVID-19 cases in Northern California” related to
4 Plaintiffs’ Mexico-bound trip aboard the ship. Upon information and belief,
5 Defendants knew at that time that M/V GRAND PRINCESS passengers on the
6 February 21, 2020, voyage were currently suffering from COVID-19 and that there
7 was a potential outbreak.

8 63. Spurred by information regarding conditions onboard the M/V
9 GRAND PRINCESS during its Hawaii voyage, and by the death of a passenger
10 who had been onboard the ship during Plaintiffs’ Mexico-bound trip, Governor
11 Gavin Newsom declared a state of emergency on March 4, 2020, to manage the
12 COVID-19 outbreak in California. As a result, the State of California refused to
13 allow the vessel into port in San Francisco, forcing the vessel to anchor off the
14 city’s coast. Governor Newsom stated at a press conference that there were 11
15 passengers and 10 crew members experiencing symptoms.

16 64. On or about March 4, 2020, Defendants asked passengers who traveled
17 on both the Mexico and Hawaii trips, including Plaintiffs Brian Losie, Peggy Losie,
18 and Kenneth Prag, to quarantine in their cabins.

19 65. On or about Thursday, March 5, 2020, two weeks after the M/V
20 GRAND PRINCESS sailed for Hawaii, Defendants instituted some changes in their
21 operation of the vessel, including cabin/state room quarantine, meal service within
22 the cabins/state rooms, and cessation of daily turndown service and communal
23 activities. Defendants had never instituted these protocols during the Mexico-bound
24 trip, despite knowing about the potential for contagion aboard the cruise ship, and
25 despite becoming aware, while the ship was still at sea, that at least one passenger
26 was suffering from COVID-19.

27 66. On or around March 6, 2020—two weeks after most Plaintiffs
28 disembarked from their trip, and even longer after Defendants became aware that a

1 passenger was suffering from COVID-19 symptoms onboard—passengers that had
2 traveled onboard the Grand Princess from February 11 through February 21,
3 including Plaintiffs, received a letter from Defendants alerting them that they may
4 have been exposed to COVID-19 while onboard the M/V GRAND PRINCESS.

5 67. Plaintiffs and other passengers who continued onboard the M/V
6 GRAND PRINCESS for the Hawaii-leg of the cruise were forced to remain
7 quarantined in their cabins until on or about March 9, 2020, when the vessel was
8 finally allowed to dock at the port of Oakland. Following disembarkation,
9 Plaintiffs and other passengers that traveled to Hawaii were forced to spend
10 approximately two weeks at government facilities, such as Travis Air Force base.

11 68. At the time of this filing, Defendant CARNIVAL has cancelled future
12 cruises embarking from San Francisco through the end of 2020. However,
13 CARNIVAL's website indicates that it intends to begin operating certain cruise
14 ships as early as October 1, 2020, potentially posing grave threats to their
15 passengers, crew members, and the public health.¹²

16 69. If Plaintiffs had known the serious and actual risks of contracting or
17 spreading COVID-19 while onboard the M/V GRAND PRINCESS, Plaintiffs
18 would not have sailed on the February 11, 2020, roundtrip voyage to Mexico. Or, at
19 minimum, if they had been made aware after embarkation of the growing and
20 continued risk, they would have disembarked from the ship at one of its ports of
21 call. Plaintiffs who remained onboard the M/V Grand Princess after February 21,
22 2020, to travel to Hawaii would not have done so.

23 70. As a direct and proximate result of Defendants' acts and omissions,
24 Plaintiff Peggy Losie developed a cough while traveling on the initial leg of the
25 cruise, which traveled to Mexico. Her cough became progressively worse. On or
26 about February 28, 2020, she presented to the medical center and was prescribed
27 Tamiflu tablets, issued an inhaler, and treated on a nebulizer. The medical center

28 ¹² See Carnival, Health and Safety Updates, <https://www.carnival.com/health-and-sailing-updates> (last visited May 31, 2020).

1 checked her temperature twice daily and she was asked to remain confined to her
2 quarters until the evening of February 29, 2020. At that time, the Ship nurse
3 declared Ms. Losie free to resume normal activities. Ms. Losie chose to self-isolate
4 for the next two days because she continued to feel ill and her symptoms had not
5 subsided.

6 71. As a direct and proximate result of Defendants' acts and omissions,
7 Plaintiff Cynthia Lynn Ford contracted, and tested positive for, COVID-19. Ms.
8 Ford became ill and suffered from symptoms associated with COVID-19.

9 72. As a direct and proximate result of Defendants' acts and omissions,
10 Plaintiff James David Arthur Ford contracted, and tested positive for, COVID-19.
11 Mr. Ford became ill and suffered from symptoms associated with COVID-19.

12 73. As a direct and proximate result of Defendants' acts and omissions,
13 Plaintiff Larry Fisher contracted and tested positive for COVID-19.

14 74. As a direct and proximate result of Defendants' acts and omissions,
15 Plaintiff Rita Fisher contracted and tested positive for COVID-19. She suffered
16 from severe symptoms associated with COVID-19 and was admitted to the
17 intensive care unit ("ICU"). She remained in the ICU until June 12, 2020—
18 approximately three months after passengers disembarked from the Grand Princess.

19 75. As a direct and proximate result of Defendants' acts and omissions,
20 Plaintiff Kelly Sandoval contracted, and tested positive for, COVID-19. Ms.
21 Sandoval became ill and suffered from symptoms associated with COVID-19.

22 76. As a direct and proximate result of Defendants' acts and omissions,
23 Plaintiff Ruben Sandoval contracted, and tested positive for, COVID-19.

24 77. As a direct and proximate result of Defendants' acts and omissions,
25 Plaintiff Carole Kealy became ill and suffered from symptoms associated with
26 COVID-19, including fever, fatigue, night sweats, and sleep apnea.

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1 78. As a direct and proximate result of Defendants' acts and omissions,
2 Plaintiff Marie Rivera became ill and suffered from symptoms associated with
3 COVID-19.

4 79. As a direct and proximate result of Defendants' acts and omissions,
5 Plaintiff Paul Rivera suffered from symptoms associated with COVID-19,
6 including a fever.

7 80. As a direct and proximate result of Defendants' acts and omissions,
8 Plaintiff Judith Shaterian developed a respiratory infection, which is a negative
9 health outcome associated with COVID-19.

10 81. As a direct and proximate result of the negligence and gross
11 negligence of Defendants in exposing Plaintiffs and Class Members to actual risk of
12 immediate physical injury, Plaintiffs and Class Members have suffered injuries and
13 emotional distress of the nature and type that reasonable persons would suffer under
14 the circumstances alleged in this Complaint, including, but not limited to, suffering
15 anguish, fright, horror, nervousness, grief, anxiety, worry, shock, humiliation and
16 shame.

17 82. Additionally, as public health experts and physicians learn more about
18 the myriad ways COVID-19 attacks and damages the body, Plaintiffs and Class
19 Members develop new and evolving medical fears and uncertainties that require
20 and will continue to require medical diagnostic exams. Plaintiffs and the Class
21 Members are suffering and will continue to suffer due to the ever-present fear and
22 anxiety that they will or may later experience negative health outcomes or
23 complications as a direct and proximate result of being exposed to, and potentially
24 contracting, COVID-19 because of Defendants' negligent and grossly negligent
25 acts and omissions.

26 83. It is expected that, as a result of Defendants' negligence and gross
27 negligence, these Plaintiffs and the Class will continue to suffer and will, in the
28

1 future, require medical services to monitor for as yet unidentified symptoms or
2 negative health outcomes related to COVID-19.

3 **NOTICE**

4 84. Section 16(A)(i) of the Passage Contract purports to require that
5 claimants provide notice to PRINCESS and CARNIVAL of any potential claims.
6 Although Plaintiffs do not concede that this provision is enforceable, Plaintiffs and
7 Class Members have complied with this requirement by providing written notice to
8 Defendants' electronically on June 25, 2020 and July 7, 2020.

9 **CLASS ACTION ALLEGATIONS**

10 85. Plaintiffs bring this lawsuit as a class action on behalf of themselves
11 and all similarly-situated persons pursuant to Federal Rules of Civil Procedure
12 23(a) and (b)(1), (b)(2), (b)(3), and/or (c)(4). This action satisfies the applicable
13 numerosity, commonality, typicality, adequacy, predominance, and/or superiority
14 requirements of those provisions.

15 86. The proposed Class is defined as follows: All persons in the United
16 States, who sailed as passengers on the M/V GRAND PRINCESS cruise from San
17 Francisco, California, leaving on February 11, 2020, roundtrip to Mexico, including
18 those passengers who continued traveling onboard the M/V GRAND PRINCESS to
19 Hawaii, which embarked on February 21, 2020.

20 87. Excluded from the proposed Class are: (1) CARNIVAL and
21 PRINCESS, any entity or division in which either have a controlling interest, and
22 its legal representatives, officers, directors, assigns and successors; (2) the judicial
23 officer(s) to whom this case is assigned and the judicial officer(s)' immediate
24 family and legal staff; and (3) governmental entities. Plaintiffs reserve the right to
25 amend the Class definition if discovery and further investigation reveal that the
26 Class should be expanded, otherwise divided into subclasses, or modified in any
27 other way.
28

1 88. The individual Plaintiffs named in this complaint support the use of the
2 class action mechanism to achieve economy, efficiency, fairness, and consistency
3 of result by determining the important common questions raised in this action on a
4 common basis.

5 **A. Numerosity**

6 89. There were, on information and belief, approximately 2,422
7 passengers on the M/V GRAND PRINCESS for the cruise that is the subject of this
8 action. Their exact number and identities can be readily ascertained from
9 Defendants' records. The individual joinder of all passengers is impractical, and the
10 class action procedure is more practical, cost-effective, inclusive, and efficient than
11 multiple lawsuits on the common questions of law and fact that unite the class, or
12 piecemeal and incomplete individual joinder. The disposition of the claims of these
13 Class Members in a single action will provide substantial benefits to all parties and
14 to the Court. Class Members are readily identifiable from information and records
15 in Defendants' possession, custody, or control, as well as from records kept by the
16 Department of Health and Human Services.

17 **B. Typicality**

18 90. The claims of Plaintiffs are typical of the claims of Class Members in
19 that Plaintiffs, like all Class Members, sailed on the leg of the M/V GRAND
20 PRINCESS cruise that began on February 11, 2020 and returned on February 21,
21 2020. Plaintiffs, like all Class Members, have been damaged by Defendants'
22 misconduct in that they sailed on a cruise they would not have sailed on and
23 suffered significant injury, emotional distress and economic damage caused by the
24 negligence of the Defendants. The factual bases of CARNIVAL and PRINCESS's
25 misconduct are common to all Class Members and represent a common thread of
26 misconduct resulting in injury to all Class Members.

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1 **C. Adequate Representation**

2 91. Plaintiffs CYNTHIA LYNN FORD, JAMES DAVID ARTHUR
3 FORD, CAROLE KEALY, KELLY SANDOVAL, and RUBEN SANDOVAL will
4 fairly and adequately represent and protect the interests of the Class Members.
5 Plaintiffs CYNTHIA LYNN FORD, JAMES DAVID ARTHUR FORD, CAROLE
6 KEALY, KELLY SANDOVAL, and RUBEN SANDOVAL have retained counsel
7 with substantial experience in prosecuting class actions, aggregate suits, and mass
8 torts.

9 92. Plaintiffs CYNTHIA LYNN FORD, JAMES DAVID ARTHUR
10 FORD, CAROLE KEALY, KELLY SANDOVAL, and RUBEN SANDOVAL and
11 their counsel are committed to vigorously prosecuting this action on behalf of all
12 Class Members, and have the financial resources to do so. Neither Plaintiffs
13 CYNTHIA LYNN FORD, JAMES DAVID ARTHUR FORD, CAROLE KEALY,
14 KELLY SANDOVAL, nor RUBEN SANDOVAL, nor their counsel have interests
15 adverse to those of the Class Members.

16 **D. Predominance of Common Issues**

17 93. There are numerous questions of law and fact, including those related
18 to Defendants' knowledge, conduct, and duty throughout the events described in
19 this Complaint, common to Plaintiffs and Class Members that predominate over
20 any question affecting only individual Class Members, the answers to which will
21 advance resolution of the litigation as to all Class Members. These common legal
22 and factual issues include, *inter alia*:

- 23 a. what Defendants knew about the presence and risks associated
24 with the COVID-19 virus, and contagions generally, and when they knew it;
- 25 b. whether Defendants should have canceled the subject cruise to
26 avoid exposing passengers to a deadly pathogen and/or taken other steps to avoid
27 exposing passengers to a deadly pathogen;

1 c. whether, in light of the widespread knowledge of COVID-19
2 and Defendants' knowledge of the risk of contagion aboard cruise ships,
3 Defendants had a duty to conduct medical screenings of passengers prior to
4 boarding Plaintiffs and others onto the M/V GRAND PRINCESS on February 11,
5 2020;

6 d. whether Defendants had a duty to decontaminate the M/V
7 GRAND PRINCESS after they knew or should have known that individuals aboard
8 the M/V GRAND PRINCESS prior to the subject cruise were or were potentially
9 carriers of the COVID-19 virus;

10 e. whether Defendants had a duty to disclose to passengers
11 onboard the M/V GRAND PRINCESS that at least one person onboard the vessel
12 was experiencing symptoms of COVID-19, and the related risks that Plaintiffs
13 could contract and /or spread the virus;

14 f. whether Defendants had a duty to institute social distancing or
15 quarantine protocols on the ship when they became aware that at least one
16 passenger onboard was suffering from COVID-19 symptoms;

17 g. whether Defendants failed to disclose, during the vessel's trip or
18 in the days immediately following, that passengers and crew aboard the M/V
19 GRAND PRINCESS between February 11, 2020, and February 21, 2020, were or
20 were potentially carriers of the COVID-19 virus and other relevant information;

21 h. interpretation of the applicable contract documents and the
22 associated "Passenger Bill of Rights" incorporated therein;

23 i. whether Defendants acted as alter egos and/or agents, such that
24 they should be held jointly liable for the conduct alleged herein;

25 j. whether CARNIVAL is liable for the acts, omissions, and
26 violations described in this Complaint;

27 k. whether PRINCESS is liable for the acts, omissions, and
28 violations described in this Complaint; and

1 1. whether the conduct of any or all of the defendants warrants the
2 imposition of punitive damages to vindicate the societal interest in punishment and
3 deterrence.

4 **E. Superiority**

5 94. Plaintiffs and Class Members have all suffered and will continue to
6 suffer harm and damages as a result of CARNIVAL's and PRINCESS's unlawful
7 and wrongful conduct. A class action is superior to other available methods for the
8 fair and efficient adjudication of this controversy.

9 95. Absent a class action, most Class Members would likely find the cost
10 of litigating their claims prohibitively high and would therefore have no effective
11 remedy at law. Because of the relatively small size of the individual Class
12 Members' claims (compared to the cost of litigation), it is likely that only a few
13 Class Members could afford to seek legal redress for Defendants' misconduct.
14 Absent a class action, Class Members will continue to incur damages, and
15 Defendants' misconduct will continue without remedy.

16 96. Class treatment of common questions of law and fact is superior to
17 other available procedures, such as multiple individual actions or piecemeal
18 litigation because class treatment will conserve the resources of the courts and the
19 litigants, and will promote consistency and efficiency of adjudication.

20 **F. Limited Fund**

21 97. In an abundance of caution, Plaintiffs take note of the presently
22 apparent financial circumstances of CARNIVAL and/or PRINCESS to allege the
23 possibility that their assets and resources available to fairly compensate Plaintiffs
24 and Class Members, to satisfy appropriate punitive damages awards, and/or
25 otherwise fairly address the claims against them may constitute a "limited fund"
26 within the meaning of *Ortiz v. Fibreboard Corp.*, 527 U.S. 815 (1999), such that
27 class certification under Rule 23(b)(1)(B) is necessary and appropriate as a matter
28 of due process and equity.

1 experts on February 3, 2020. In particular, Defendants had knowledge of the actual
2 risks facing passengers based on the outbreak of the virus on the M/V Diamond
3 Princess.

4 104. Defendants knew or should have known that passengers boarding the
5 M/V GRAND PRINCESS could be carriers of COVID-19, and that crew members
6 aboard the M/V GRAND PRINCESS were or could have been exposed to COVID-
7 19 and were or could have been carriers of the virus, but did not institute any
8 screening procedures prior to the February 11, 2020, embarkation of the M/V
9 Grand Princess.

10 105. Defendants failed to do what a reasonably careful cruise ship owner
11 and operator would do under the circumstances.

12 106. Defendants breached their duty to Plaintiffs and the Class when, with
13 the aforementioned knowledge, Defendants nevertheless chose to embark on the
14 San Francisco-Mexico voyage.

15 107. Defendants also breached their duties when, with that same
16 knowledge, they chose not to screen or medically examine any passengers or crew
17 members, or prevent those infected with the virus from boarding the ship, prior to
18 embarkation on February 11, 2020, or throughout the cruise at any ports of call
19 after passengers had left and returned to the ship.

20 108. Additionally, Defendants breached their duties to Plaintiffs and the
21 Class when Defendants repeatedly failed to notify passengers aboard the M/V
22 GRAND PRINCESS during the instant voyage that passengers traveling alongside
23 them were suffering from COVID-19 symptoms.

24 109. If Defendants had adequately informed Plaintiffs and the Class prior to
25 boarding, or at any other time, of the relevant information in Defendants'
26 possession, including facts regarding Defendants' lack of adequate disinfecting
27 procedures on the M/V GRAND PRINCESS, lack of adequate quarantining
28 procedures, and the actual risk of exposure to COVID-19, Plaintiffs and the Class

1 could have made informed decisions about their health and their families' health,
2 including disembarking from or not boarding the vessel.

3 110. Defendants repeatedly breached their duties to Plaintiffs and the Class
4 when, throughout the San Francisco-Mexico voyage, with the aforementioned
5 knowledge, they repeatedly chose not to inform Plaintiffs of the continuing and
6 growing risks of contracting COVID-19, and chose not to provide Plaintiffs with
7 the informed option to disembark at one of the vessel's ports of call.

8 111. Finally, Defendants continued to breach their duties to Plaintiffs and
9 the Class when, after learning that at least one passenger onboard was suffering
10 from COVID-19 symptoms, they, *inter alia*: chose not to warn Plaintiffs' and the
11 Class of the potential for infection; failed to implement quarantine or social
12 distancing protocols; chose to continue operating large, public gatherings and
13 meals; chose to continue to operate daily turndown service; and chose to continue
14 hosting communal activities.

15 112. As a direct and proximate result of Defendants' failure to safeguard
16 Plaintiffs and the Class, Plaintiffs and the Class were at actual risk of immediate
17 physical injury.

18 113. As a direct and proximate result of Defendants' breach of their duties
19 of care and their negligent exposure of Plaintiffs and the Class to COVID-19,
20 Plaintiffs and the Class have suffered illness and injury as described above in ¶¶ 69-
21 83.

22 114. As a direct and proximate result of the aforementioned negligence of
23 Defendants in exposing them to actual risk of immediate physical injury, Plaintiffs
24 and the Class have suffered physical injury, emotional distress of the nature and
25 type that reasonable persons would suffer under the circumstances alleged in this
26 Complaint, including, but not limited to, suffering, anguish, fright, horror,
27 nervousness, grief, anxiety, worry, shock, humiliation and shame. They were
28 traumatized by the fear of developing COVID-19. It is expected that they will

1 continue to suffer and will, in the future, require medical services not of a kind
2 generally anticipated as part of the effects of daily life.

3 **SECOND CAUSE OF ACTION**
4 **GROSS NEGLIGENCE AGAINST ALL DEFENDANTS**

5 115. Plaintiffs re-allege all allegations in paragraphs 1 – 99 as if alleged
6 fully herein.

7 116. Defendants PRINCESS and its owner CARNIVAL, which supervises
8 and monitor's PRINCESS's adherence to safety, security, environmental, and
9 regulatory requirements, each owed a duty to Plaintiffs and the Class to: safeguard
10 against and mitigate the risks of passenger injury and illness; appropriately disinfect
11 and sanitize the M/V GRAND PRINCESS, in light of the circumstances of a global
12 pandemic; notify Plaintiffs and the Class of the actual and especially high risk of
13 contracting COVID-19 aboard the M/V GRAND PRINCESS; disembark
14 passengers and crew members who had likely come into contact with individuals
15 infected with COVID-19; and implement medical screening and examination
16 protocols for crew and passengers.

17 117. Defendants knew of the unreasonably high risk of viral contagion of
18 COVID-19 on cruise ships, and Defendants knew that it was especially dangerous
19 to expose Plaintiffs and the rest of the Class to COVID-19 in light of the prior
20 situation on the Diamond Princess off the coast of Japan.

21 118. Defendants' conduct in deciding to continue to operate the M/V
22 GRAND PRINCESS with Plaintiffs and the Class aboard, even with the
23 aforementioned knowledge, demonstrates an intentional failure to do what a
24 reasonably careful cruise ship owner and operator would do under the
25 circumstances, exhibits a willful and conscious disregard for the safety of Plaintiffs
26 and the Class, and evidences recklessness and indifference by Defendants, which
27 constitutes gross negligence.

28 119. Defendants' failure to abide by the guidelines issued on February 3,
2020, by not disembarking, quarantining or otherwise sheltering in their cabins the

1 passengers and crew members known to have come into contact with the
2 passenger(s) suffering from COVID-19 symptoms onboard the instant cruise
3 demonstrates a willful and conscious disregard for the rights and safety of others
4 and amounts to an extreme departure of what a reasonably careful cruise ship owner
5 and operator would do.

6 120. Defendants' choice not to warn Plaintiffs and the Class of their actual
7 risk of harm in being exposed to COVID-19 after learning about a passenger
8 onboard who came down with symptoms (and later died) constitutes a failure to
9 provide even a modicum of care to Plaintiffs and the Class. The continued and
10 repeated choice not to provide passengers with notice of the actual risks facing
11 them demonstrates a willful and conscious disregard for the rights and safety of
12 others and amounts to an extreme departure of what a reasonably careful cruise ship
13 owner and/or operator would do.

14 121. Moreover, Defendants' behavior demonstrated a willful and conscious
15 disregard for the rights and safety of others, and an extreme departure of what a
16 reasonably careful cruise ship owner and/or operator would do in their continued
17 and repeated choices to: not effectively sanitize and disinfect the M/V GRAND
18 PRINCESS during the San Francisco-Mexico voyage; not institute medical
19 screening and examinations for passengers and crew members; host large social
20 gatherings and meals; conduct daily turn-down service; and not implement
21 quarantine or social distance protocols at any point during the voyage. These
22 decisions manifest Defendants' utter failure to provide even a modicum of care to
23 Plaintiffs and the Class.

24 122. Defendants chose to place profits over people, including the safety of
25 their passengers, crew, and the general public in continuing to operate business as
26 usual, despite their knowledge of the actual—potentially lethal—risk to Plaintiffs
27 and the Class.
28

1 123. As a direct and proximate result of Defendants' conduct, Plaintiffs
2 were placed at actual, continual risk of immediate, and potentially fatal, physical
3 injury.

4 124. As a direct and proximate result of Defendants' breach of their duties
5 of care and their negligent exposure of Plaintiffs and the Class to COVID-19,
6 Plaintiffs and the Class have suffered illness and injury as described above in ¶¶ 69-
7 83.

8 125. Finally, as a direct and proximate result of Defendants' gross
9 negligence in exposing Plaintiffs and the Class to actual risk of immediate physical
10 injury, Plaintiffs and the Class have suffered emotional distress of the nature and
11 type that reasonable persons would suffer under the circumstances alleged in this
12 Complaint, including, but not limited to, suffering, anguish, fright, horror,
13 nervousness, grief, anxiety, worry, shock, humiliation and shame. They were
14 traumatized by the fear of developing COVID-19. It is expected that they will
15 continue to suffer and will, in the future, require medical services not of a kind
16 generally accepted as a typical part of daily life.

17 **THIRD CAUSE OF ACTION**
18 **NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS**

19 126. Plaintiffs re-allege all allegations in paragraphs 1 – 99 as if alleged
20 fully herein.

21 127. Defendants knew or should have known of the actual risk of viral
22 contagion of COVID-19 aboard cruise ships, and, in light of the situation on the
23 Diamond Princess only 3 weeks prior to the instant voyage on the M/V GRAND
24 PRINCESS, Defendants knew or should have known that it was especially
25 dangerous to expose Plaintiffs and the rest of the Class to COVID-19.

26 128. Even in light of this information, however, Defendants failed to
27 implement any effective screening or medical examination procedures for
28 passengers boarding the ship prior to the voyage.

1 129. Defendants also knew or should have known that at least one
2 passenger traveling on the instant trip aboard the M/V GRAND PRINCESS was
3 experiencing symptoms of COVID-19 (that passenger eventually tested positive for
4 COVID-19).

5 130. Nevertheless, Defendants continually and repeatedly: failed to take
6 any effective actions to prevent or mitigate the spread of COVID-19; failed to alert
7 passengers to the possibility of infection aboard the ship; and hosted and
8 encouraged participation in large group activities and events that Defendants knew
9 could lead to large-scale infection among the crew and passengers.

10 131. These choices by Defendants created a dangerous and threatening
11 environment in which Plaintiffs and the Class were forced to live for almost two
12 weeks, at all times directly at risk of becoming infected with, made ill by, and/or
13 spreading COVID-19.

14 132. As the direct and proximate result of Defendants' actions and
15 omissions throughout the duration of their voyage aboard the M/V GRAND
16 PRINCESS, Plaintiffs and members of the Class were in the "zone of danger,"
17 where they were at immediate risk of actual physical harm, including the potential
18 of contracting COVID-19, suffering from the illness—including experiencing
19 shortness of breath, coughing, body aches, fever, and/or any number of yet-to-be-
20 identified future ailments, such as liver damage, kidney failure, or blood clotting—
21 and potentially death as a result of the virus.

22 133. Plaintiffs and members of the Class experienced severe psychic
23 injuries, of the nature and type that reasonable persons would suffer under the
24 circumstances alleged in this Complaint, when they were forced to watch first hand
25 as their friends and family members became ill with COVID-19, feared for their
26 own safety and well-being, and continue to fear that they may begin exhibiting
27 symptoms or health complications not yet identified as a result of COVID-19.
28

1 Plaintiffs suffered physical and emotional injury as the direct and proximate result
2 of Defendants' misconduct.

3 134. As a direct and proximate result of Defendants' extreme departure
4 from the ordinary standard of care and their failure to meet their duties of care to
5 Plaintiffs and the Class by providing even scant care, which exposed Plaintiffs and
6 the Class to COVID-19, Plaintiffs and the Class have suffered illness and injury as
7 described above in ¶¶ 69-83.

8 135. Finally, as a direct and proximate result of Defendants' gross
9 negligence in exposing Plaintiffs and the Class to actual risk of immediate physical
10 injury, Plaintiffs and the Class have suffered emotional distress of the nature and
11 type that reasonable persons would suffer under the circumstances alleged in this
12 Complaint, including, but not limited to, suffering, anguish, fright, horror,
13 nervousness, grief, anxiety, worry, shock, humiliation and shame related to their
14 own risk of contracting COVID-19 and the suffering they witnessed among their
15 fellow passengers who contracted COVID-19. Plaintiffs and members of the class
16 were traumatized by the fear of their family members, friends and fellow
17 passengers developing COVID-19 and by the threat to their own health of
18 becoming infected with the virus or suffering future negative health outcomes or
19 complications related to exposure to and / or contraction of the virus.

20 136. Plaintiffs and Class members were endangered and harmed by
21 Defendants' actions when they were forced to travel on an infested vessel without
22 appropriate information about the risks facing them. It is expected that Plaintiffs
23 and the Class will continue to suffer and will, in the future, require medical services
24 not of a kind generally anticipated as a typical part of daily life.

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1 contact with passengers and crew members; notify Plaintiffs and the Class about the
2 actual and potential threat of exposure to, infection with, and the possibility of
3 spreading COVID-19 aboard the ship; failed to advise Plaintiffs and the Class about
4 the possibility and health benefits of disembarking during the trip, at one of the
5 vessel's ports of call; and failed to notify Plaintiffs of the risks of remaining
6 onboard the ship for the February 21, 2020 embarkation to Hawaii.

7 144. Defendants continued to behave extremely and outrageously when,
8 after learning about the ill passenger, they: encouraged Plaintiffs and the Class to
9 continue mingling and participating in large group events and functions throughout
10 the duration of the trip; continued to provide turn down service to passengers
11 despite the fact that crew members had likely been exposed to COVID-19; and
12 failed to institute any policies for quarantine, isolation, or social distancing for
13 passengers.

14 145. As a direct and proximate result of Defendants' intentional and
15 reckless behavior and omissions, Plaintiffs and the Class suffered severe emotional
16 distress and physical harm.

17 146. Plaintiffs and the Class were forced to watch as their friends and
18 family members became ill with COVID-19, and, all the while, fear for their own
19 safety and well-being. Plaintiffs suffered physical and emotional injury as the direct
20 and proximate result of Defendants' misconduct, and Plaintiffs continue to suffer
21 from fear and anxiety that they may still begin exhibiting symptoms or experience
22 as-yet-unidentified complications due to their exposure to and potential contraction
23 of COVID-19 while aboard the M/V GRAND PRINCESS.

24 147. As a direct and proximate result of Defendants' extreme departure
25 from the ordinary standard of care and their failure to meet their duties of care to
26 Plaintiffs and the Class by providing even scant care, which exposed Plaintiffs and
27 the Class to COVID-19, Plaintiffs and the Class have suffered illness and injury as
28 described above in ¶¶ 69-83.

1 23(a) and (b)(1), (b)(2), (b)(3) and/or (c)(4), designating Plaintiffs Cynthia Lynn
2 Ford, James David Arthur Ford, Carole Kealy, Kelly Sandoval, and Ruben
3 Sandoval as named representatives of the Class and designating the undersigned as
4 Class Counsel;

5 2. An award of damages totaling in excess of Five Million Dollars
6 (\$5,000,000.00), inclusive of compensatory damages for Plaintiffs' injuries, including
7 emotional pain and suffering and any other damages allowed by law, in an amount to
8 be proven at trial;

9 3. An award of the costs of Plaintiffs' and the Class's ongoing medical
10 monitoring and diagnostic examinations required to diagnose, prevent, and/or treat
11 current or future injury related to Plaintiffs' and Class Members' exposure to and
12 potential contraction of COVID-19, in light of the evolving scientific understanding
13 of the full risk and scope of health outcomes of the virus;

14 4. An injunction requiring Defendants to: disclose to future passengers the
15 nature and rate of risk of communicable disease upon their cruise ships; implement
16 disinfecting and sanitizing procedures on each of their ships in between and during
17 voyages; implement appropriate social distancing and physical distancing protocols to
18 avoid or reduce the transmission of communicable pathogens; disembark and
19 quarantine passengers when Defendants become aware of a heightened risk of
20 communicable disease aboard a ship; and canceling or discontinuing the operation of
21 cruises when Defendants know or should have known of a potential deadly pathogen
22 or similar aboard their ships.

23 5. An award of attorneys' fees and costs, as allowed by law;

24 6. An award of pre-judgment and post-judgment interest, as provided by
25 law;

26 7. Leave to amend this Complaint to conform to the evidence produced at
27 trial; and

28 8. For such other and further relief as the Court deems just and proper.

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DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a jury trial as provided by Rule 38(a) of the Federal Rules of Civil Procedure.

Dated: July 13, 2020
Respectfully submitted,
NELSON & FRAENKEL LLP

By: /s/ Gretchen M. Nelson

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1 Dated: July 13, 2020

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