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24 UNITED STATES DISTRICT COURT  
25 CENTRAL DISTRICT OF CALIFORNIA

26 DUC CHUNG, BERNETTA EVERETT,  
27 DWIGHT EVERETT, DEBRA  
28 LEONELLI, DAVID REGE, CONNIE  
SIMMONS, JAMES SIMMONS, and  
MICHAEL SIMMONS 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-04954

**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**

1 **COMPLAINT AND JURY DEMAND**

2 Individual and representative Plaintiffs DUC CHUNG, BERNETTA  
3 EVERETT, DWIGHT EVERETT, CONNIE SIMMONS, JAMES SIMMONS, and  
4 MICHAEL SIMMONS, bring this action for themselves and on behalf of all  
5 persons similarly situated, including Individual Plaintiffs DEBRA LEONELLI and  
6 DAVID REGE, and the more than 2000 other passengers who sailed on the  
7 roundtrip Motor Vessel (“M/V”) GRAND PRINCESS cruise from San Francisco,  
8 California on February 11, 2020, to Mexico, against Defendants, PRINCESS  
9 CRUISE LINES LTD. (“PRINCESS”), its parent companies CARNIVAL  
10 CORPORATION & CARNIVAL PLC (collectively, “CARNIVAL”) and allege:

11 **THE PARTIES**

12 1. Individual and representative Plaintiff Duc Chung is *sui juris*, and is a  
13 resident of Fresno County, California and was a passenger onboard the Grand  
14 Princess cruise from February 11, 2020, to disembarkation on February 21, 2020.

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

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

21 4. Individual and representative Plaintiff Connie Simmons is *sui juris*,  
22 and is a resident of San Joaquin County, California and was a passenger onboard  
23 the Grand Princess cruise from February 11, 2020, to disembarkation on February  
24 21, 2020.

25 5. Individual and representative Plaintiff James Simmons is *sui juris*, and  
26 is a resident of Fresno County, California and was a passenger onboard the Grand  
27 Princess cruise from February 11, 2020, to disembarkation on February 21, 2020.

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

5           7.     Individual Plaintiff Debra Leonelli is *sui juris*, and is a resident of San  
6 Francisco County, California and was a passenger onboard the Grand Princess  
7 cruise from February 11, 2020 through her disembarkation on or about March 10,  
8 2020.

9           8.     Individual Plaintiff David Rege is *sui juris*, and is a resident of San  
10 Francisco County, California and was a passenger onboard the Grand Princess  
11 cruise from February 11, 2020 through his disembarkation on or about March 10,  
12 2020.

13          9.     Defendant CARNIVAL CORPORATION was incorporated in 1972 in  
14 Panama and has its headquarters in Miami, Florida.

15          10.    Defendant CARNIVAL PLC was incorporated in 2000, in Wales,  
16 United Kingdom. It also has its headquarters in Miami, Florida.

17          11.    Upon information and belief, Defendant PRINCESS CRUISE LINES  
18 LTD. is incorporated in Bermuda, with its headquarters in Santa Clarita, California.

19          12.    Upon information and belief, at all times hereto, CARNIVAL  
20 CORPORATION, CARNIVAL PLC, and PRINCESS advertised, marketed, sold,  
21 and profited (directly or indirectly) from and owned, controlled, and operated the  
22 cruise ship, M/V GRAND PRINCESS.

23                                   **ALTER EGO/PIERCING CORPORATE VEIL**

24          13.    Defendants CARNIVAL CORPORATION, CARNIVAL PLC, AND  
25 PRINCESS are alter egos and/or agents of each other such that the corporate form  
26 should be disregarded.

27          14.    CARNIVAL CORPORATION and CARNIVAL PLC operate as a  
28 single economic enterprise. They share a senior executive management team and

1 identical Boards of Directors. Both CARNIVAL CORPORATION and  
2 CARNIVAL PLC share a single headquarters in Miami, Florida.

3 15. As described by CARNIVAL CORPORATION in a filing with the  
4 Securities and Exchange Commission (“SEC”), “Carnival Corporation and Carnival  
5 plc operate a dual listed company (‘DLC’), whereby the businesses of Carnival  
6 Corporation and Carnival plc are combined through a number of contracts and  
7 through provisions in Carnival Corporation’s Articles of Incorporation and By-  
8 Laws and Carnival plc’s Articles of Association.”

9 16. Plaintiffs bring this lawsuit against CARNIVAL CORPORATION and  
10 CARNIVAL PLC individually, but because the entities work as alter-egos and/or  
11 agents of one another, Plaintiff refers to them collectively throughout this  
12 Complaint as “CARNIVAL.”

13 17. In a federal criminal plea agreement signed by CARNIVAL in 2016,  
14 CARNIVAL described PRINCESS as one of several “operating lines” that together  
15 comprise the “Carnival Group” of companies. CARNIVAL stated that Princess and  
16 the other cruise ship operating lines are semi- autonomous entities within the  
17 Carnival Corporation and Carnival plc (formerly P&O Princess Cruises plc)  
18 corporate umbrella.

19 18. In that 2016 federal criminal plea agreement, CARNIVAL stated that  
20 it “currently monitors and supervises environmental, safety, security, and regulatory  
21 requirements for Princess and other Carnival brands. Carnival Corporation & plc  
22 operate a total of 101 ships visiting 700 ports around the world, including most  
23 major ports in the United States.”

24 19. CARNIVAL has ownership and control over PRINCESS, which is  
25 organized under Holland America Group within CARNIVAL. CARNIVAL has  
26 claimed in filings with the SEC that it wholly owns PRINCESS as a subsidiary.

27 20. CARNIVAL and PRINCESS share the same Board of Directors and  
28 almost all of the same executive officers, and appear to use the same assets.



1 the Passage Contract, by naming this District as a proper venue, Defendants have  
2 consented to personal jurisdiction in this District.

3 29. Each of the facts pleaded herein independently, but also all of these  
4 facts together, are sufficient to render the exercise of jurisdiction by this Court over  
5 Defendants permissible under traditional notions of fair play and substantial justice.

### 6 VENUE

7 30. Venue in the Central District of California is proper under 28 U.S.C. §  
8 1391 because Defendants are deemed to reside in any judicial district in which they  
9 are subject to personal jurisdiction.

10 31. Additionally, without conceding the enforceability of the Passage  
11 Contract, Plaintiffs acknowledge the inclusion in the Passage Contract of a venue  
12 selection provision designating the United States District Court for the Central  
13 District of California in Los Angeles as a proper venue for this action.

### 14 FACTUAL BACKGROUND

15 32. In December 2019, a new strain of Coronavirus known as COVID-19  
16 or SARS-CoV-2 was first observed in humans in China. The virus quickly spread  
17 through China and Asia and has caused a global pandemic. Infection with COVID-  
18 19 is generally associated with symptoms such as fever, a dry cough, shortness of  
19 breath, infection, pneumonia, and it can be fatal.

20 33. In addition to the cold- and flu-like symptoms COVID-19 patients  
21 typically experience, the virus has been linked to loss of taste and smell, blood  
22 clots, severe strokes, heart inflammation, acute kidney disease, intestinal damage,  
23 liver damage, and neurological problems.<sup>1</sup> Clinicians and public health experts  
24 continue to learn more about the virus, its effects on the human body, and the  
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26 <sup>1</sup> 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](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 residual impact on the health of those who have been exposed to or infected with  
2 COVID-19.

3 34. As of the filing of this complaint, there have been over 1.8 million  
4 cases and over 106,000 deaths in the United States as a result of COVID-19. Over  
5 2,600 cases and, as of this filing, 43 deaths have been reported in San Francisco, at  
6 least three of which were due to infections contracted while onboard the M/V  
7 GRAND PRINCESS—a ship owned and operated by Defendants.

8 35. On January 30, 2020, the World Health Organization declared  
9 COVID-19 a global health emergency.

10 36. In early February 2020, experts in the European Union, led by  
11 epidemiologist Dr. Christou Hadjichristodoulou, released guidelines for the cruise  
12 industry that included an outline of the risk of COVID-19 outbreaks aboard cruise  
13 ships and recommended response protocols.<sup>2</sup> Specifically, the guidelines directed  
14 that, in the event of a COVID-19 case, close contacts of the case should be  
15 quarantined in their cabin or on shore, and “casual contacts” should be  
16 disembarked.<sup>3</sup>

17 37. Defendants CARNIVAL and PRINCESS represent that they have a  
18 commitment to “the health, safety, and security” of their passengers and promote  
19 their business as one that “always strives to be free of injuries, illness and loss.”<sup>4</sup>

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

27 <sup>3</sup> 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).

<sup>4</sup> Carnival Health, Environment, Safety, Security & Sustainability Policy &  
CLASS ACTION COMPLAINT FOR DAMAGES  
- 7 -

1 They further assert that they “[s]upport a proactive framework of risk mitigation in  
2 the areas of HESS [Health, Environment, Safety, Security] aimed at preventing,  
3 monitoring and responding to threats.”<sup>5</sup>

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

13 39. To date, 14 of the DIAMOND PRINCESS’ passengers have died as a  
14 result of COVID-19,<sup>7</sup> and cruises run by CARNIVAL have been identified as  
15 responsible for more than 1,500 positive COVID-19 infections, and almost 40  
16 deaths.

17 40. On February 11, 2020—approximately ten days after Defendants  
18 learned about the infection aboard the DIAMOND PRINCESS—Defendants  
19 boarded Plaintiffs and over 2,000 other passengers onto the M/V GRAND  
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21 Governance, Carnival Health, Environment, Safety, Security & Sustainability  
22 Policy & Governance, [https://www.carnivalcorp.com/leading-responsibly/health-  
23 environment-safety-security-sustainability-policy-governance/](https://www.carnivalcorp.com/leading-responsibly/health-environment-safety-security-sustainability-policy-governance/) (last visited April 7,  
24 2020).

25 <sup>5</sup> Carnival Corporation & PLC Health, Environmental, Safety, Security, and  
26 Sustainability Corporate Policy, [https://www.carnivalcorp.com/static-  
27 files/0b8327aa-c3be-4022-a1a5-a6dad7123af7](https://www.carnivalcorp.com/static-files/0b8327aa-c3be-4022-a1a5-a6dad7123af7) (last visited April 7, 2020).

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

<sup>7</sup> 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 PRINCESS for a roundtrip voyage to Mexico without conducting any effective  
2 medical screenings for passengers and without providing any additional  
3 information about best practices to mitigate or prevent the spread of COVID-19.

4 41. Upon information and belief, throughout the course of the 10-day  
5 voyage to Mexico, Defendants did not alter their on-ship protocols, event  
6 itineraries, or cleaning and disinfectant practices in order to prevent the spread of  
7 COVID-19. Defendants did not, for example, institute any medical examination or  
8 screening procedures for passengers leaving and returning to the ship at any of the  
9 M/V GRAND PRINCESS's ports of call. Nor did Defendants provide passengers  
10 onboard the M/V GRAND PRINCESS any information about COVID-19.

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

16 43. According to CARNIVAL's Chief Medical Officer, Grant Tarling,  
17 MD, MPH, Defendants believed the infected passenger was carrying the virus when  
18 he boarded the M/V GRAND PRINCESS on February 11, 2020, but because  
19 Defendants did not provide any screening for passengers, they were unaware of his  
20 condition.<sup>8</sup>

21 44. Dr. Tarling reported that the infected passenger sought medical  
22 treatment from the medical center onboard the M/V GRAND PRINCESS on  
23 February 20, 2020. The passenger reported suffering from "acute respiratory  
24 distress" for about a week before seeking treatment. Dr. Tarling did not say whether  
25 the passenger had sought any medical help prior to February 20, 2020. Upon  
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27 <sup>8</sup> Thomas Fuller, John Eligon, and Jenny Gross, *Cruise Ship, Floating Symbol of*  
28 *America's Fear of Coronavirus, Docks in Oakland*, The New York Times, March  
9, 2020, [https://www.nytimes.com/2020/03/09/us/coronavirus-cruise-ship-oakland-  
grand-princess.html](https://www.nytimes.com/2020/03/09/us/coronavirus-cruise-ship-oakland-grand-princess.html) (last visited April 7, 2020).

1 information and belief, this information would have triggered mandatory reporting  
2 under 42 CFR 71.1 *et seq.* and constitutes a “hazardous condition” per 33 CFR §  
3 160.216.<sup>9</sup>

4 45. While onboard the M/V GRAND PRINCESS, Plaintiff Connie  
5 Simmons became extremely ill and suffered from a fever. The cabin steward visited  
6 her room and refused to enter. Following this visit, on the seventh day of the cruise,  
7 a cruise ship staff member came to her room in full hazmat gear. A physician never  
8 visited her. Instead medical personnel aboard the ship repeatedly told her that she  
9 would have to visit medical facilities onboard, even though she was unable to walk  
10 that far. After disembarking from the trip on February 21, 2020, Connie Simmons  
11 suffered coughing, shortness of breath, blood clots in her right lung, and various  
12 other ailments forcing her to take over five weeks off of work.

13 46. Plaintiff Dwight Everett also became ill while onboard. On or around  
14 February 15, Mr. Everett lost his appetite and suffered from other symptoms  
15 consistent with COVID-19. He chose to self-isolate in his cabin. After  
16 disembarking from the cruise and returning to his home, Mr. Everett tested positive  
17 for COVID-19.

18 47. Upon information and belief, at least three other passengers on the  
19 M/V GRAND PRINCESS’s Mexico trip suffered from COVID-19 symptoms while  
20 on the vessel, exposing other passengers, including Plaintiffs, and crew members  
21 onboard the ship to the virus. At least 100 passengers who traveled on board the  
22 M/V GRAND PRINCESS have tested positive for COVID-19, and at least two  
23 passengers who traveled on the M/V GRAND PRINCESS’s Mexico trip died after  
24

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25 <sup>9</sup> 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 disembarking.<sup>10</sup> One of these fatalities was the first-reported death caused by  
2 COVID-19 in California.<sup>11</sup>

3 48. On February 21, 2020, the M/V GRAND PRINCESS arrived at port in  
4 San Francisco and most of the passengers from the Mexico trip disembarked,  
5 though some remained onboard to travel on the ship's subsequent voyage headed to  
6 Hawaii.

7 49. Plaintiff Duc Chung became ill the day after disembarking from the  
8 M/V GRAND PRINCESS. He suffered from a cough, sore throat, irritated eyes,  
9 and other symptoms. He reported himself to the public health department, and self-  
10 quarantined for five days, during which he was off of work.

11 50. Additionally, in the days following his trip on the M/V GRAND  
12 PRINCESS, Plaintiff James Simmons suffered from a sore throat, cough, a fever  
13 and chills. He was forced to miss eight days of work, five of which were due to his  
14 having to self-quarantine.

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

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21 <sup>10</sup> 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 <sup>11</sup> 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           52. On March 4, 2020, Defendants alerted passengers who had embarked  
2 upon the M/V GRAND PRINCESS on February 21, 2020, immediately following  
3 Plaintiff's voyage, about a "small cluster of COVID-19 cases in Northern  
4 California" related to Plaintiff's Mexico-bound trip aboard the ship. Upon  
5 information and believe, Defendants knew at that time that M/V GRAND  
6 PRINCESS passengers on the February 21, 2020, voyage were currently suffering  
7 from COVID-19 and that there potentially an outbreak.

8           53. 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 Plaintiff's 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           54. On or about Thursday, March 5, 2020, two weeks after the M/V  
17 GRAND PRINCESS sailed for Hawaii, Defendants instituted some changes in their  
18 operation of the vessel, including cabin/state room quarantine, meal service within  
19 the cabins/state rooms, and cessation of daily turndown service and communal  
20 activities. Defendants had never instituted these protocols during Plaintiffs' trip,  
21 despite knowing about the potential for contagion aboard the cruise ship, and  
22 despite becoming aware, while the ship was still at sea, that at least one passenger  
23 was suffering from COVID-19.

24           55. On or around March 6, 2020—two weeks after Plaintiffs disembarked  
25 from their trip, and even longer after Defendants became aware a passenger was  
26 suffering from COVID-19 symptoms onboard—Plaintiff Connie Simmons received  
27 a letter from Defendants alerting her that she may have been exposed to COVID-19  
28 while onboard the M/V GRAND PRINCESS. On information and belief, other

1 passengers from the instant voyage received similar correspondence from  
2 Defendants.

3 56. At the time of this filing, Defendant CARNIVAL has cancelled future  
4 cruises embarking from San Francisco through the end of 2020. However,  
5 CARNIVAL's website indicates that it intends to begin operating certain cruise  
6 ships as early as August 1, 2020, potentially posing grave threats to their  
7 passengers, crew members, and the public health.<sup>12</sup>

8 57. If Plaintiffs had known the serious and actual risks of contracting or  
9 spreading COVID-19 while onboard the M/V GRAND PRINCESS, Plaintiffs  
10 would not have sailed on the February 11, 2020, roundtrip voyage to Mexico. Or, at  
11 minimum, if they had been made aware after embarkation of the growing and  
12 continued risk, they would have disembarked from the ship at one of its ports of  
13 call.

14 58. As a direct and proximate result of Defendants' acts and omissions,  
15 Plaintiffs Connie Simmons, James Simmons, Duc Chung, and Dwight Everett  
16 became ill with COVID-19, and suffered from various symptoms, including loss of  
17 appetite, coughing, sore throat, and blood clots. Plaintiffs Connie Simmons, Duc  
18 Chung, and James Simmons were forced to miss multiple days of work.

19 59. As a direct and proximate result of the negligence and gross  
20 negligence of Defendants in exposing Plaintiffs and Class Members to actual risk of  
21 immediate physical injury, Plaintiffs and Class Members have suffered injuries and  
22 emotional distress of the nature and type that reasonable persons would suffer under  
23 the circumstances alleged in this Complaint, including, but not limited to, suffering  
24 anguish, fright, horror, nervousness, grief, anxiety, worry, shock, humiliation and  
25 shame.

26 60. Furthermore, as public health experts and physicians learn more about  
27 the myriad ways COVID-19 attacks and damages the body, Plaintiffs and Class

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

1 Members develop new and evolving medical fears and uncertainties that require  
2 and will continue to require medical diagnostic exams. Plaintiffs and the Class  
3 Members are suffering and will continue to suffer due to the ever-present fear and  
4 anxiety that they will or may later experience negative health outcomes or  
5 complications as a direct and proximate result of being exposed to, and potentially  
6 contracting, COVID-19 because of Defendants' negligent and grossly negligent  
7 acts and omissions.

8 61. Plaintiffs Duc Chung, Connie Simmons, and James Simmons  
9 experienced a range of symptoms that manifest their exposure to and contraction of  
10 COVID-19. Furthermore, it is expected that, as a result of Defendants' negligence  
11 and gross negligence, these Plaintiffs and the Class will continue to suffer and will,  
12 in the future, require medical services to monitor for as yet unidentified symptoms  
13 or negative health outcomes related to COVID-19.

14 **NOTICE**

15 62. Section 16(A)(i) of the Passage Contract purports to require that  
16 claimants provide notice to PRINCESS and CARNIVAL of any potential claims.  
17 Although Plaintiffs do not concede that this provision is enforceable, Plaintiffs and  
18 Class Members have complied with this requirement by providing written notice to  
19 Defendants' electronically on April 27, 2020, and May 21, 2020.

20 **CLASS ACTION ALLEGATIONS**

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

26 64. The proposed Class is defined as follows: All persons in the United  
27 States, who sailed as passengers on the M/V GRAND PRINCESS cruise from San  
28 Francisco, California, leaving on February 11, 2020, roundtrip to Mexico.

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

9           66. The individual Plaintiffs named in this complaint support the use of the  
10 class action mechanism to achieve economy, efficiency, fairness, and consistency  
11 of result by determining the important common questions raised in this action on a  
12 common basis.

13           **A. Numerosity**

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

25           **B. Typicality**

26           68. The claims of Plaintiffs are typical of the claims of Class Members in  
27 that Plaintiffs, like all Class Members, sailed on the leg of the M/V GRAND  
28 PRINCESS cruise that began on February 11, 2020 and returned on February 21,

1 2020. Plaintiffs, like all Class Members, have been damaged by Defendants'  
2 misconduct in that they sailed on a cruise they would not have sailed on and  
3 suffered significant injury, emotional distress and economic damage caused by the  
4 negligence of the Defendants. The factual bases of CARNIVAL and PRINCESS's  
5 misconduct are common to all Class Members and represent a common thread of  
6 misconduct resulting in injury to all Class Members.

7 **C. Adequate Representation**

8 69. Plaintiffs DUC CHUNG, BERNETTA EVERETT, DWIGHT  
9 EVERETT, CONNIE SIMMONS, JAMES SIMMONS and MICHAEL SIMMONS  
10 will fairly and adequately represent and protect the interests of the Class Members.  
11 Plaintiffs DUC CHUNG, BERNETTA EVERETT, DWIGHT EVERETT,  
12 CONNIE SIMMONS, JAMES SIMMONS and MICHAEL SIMMONS have  
13 retained counsel with substantial experience in prosecuting class actions, aggregate  
14 suits, and mass torts.

15 70. Plaintiffs DUC CHUNG, BERNETTA EVERETT, DWIGHT  
16 EVERETT, CONNIE SIMMONS, JAMES SIMMONS, and MICHAEL  
17 SIMMONS, and their counsel are committed to vigorously prosecuting this action  
18 on behalf of all Class Members, and have the financial resources to do so. Neither  
19 Plaintiffs DUC CHUNG, BERNETTA EVERETT, DWIGHT EVERETT,  
20 CONNIE SIMMONS, JAMES SIMMONS, and MICHAEL SIMMONS, nor their  
21 counsel have interests adverse to those of the Class Members.

22 **D. Predominance of Common Issues**

23 71. There are numerous questions of law and fact, including those related  
24 to Defendants' knowledge, conduct, and duty throughout the events described in  
25 this Complaint, common to Plaintiffs and Class Members that predominate over  
26 any question affecting only individual Class Members, the answers to which will  
27 advance resolution of the litigation as to all Class Members. These common legal  
28 and factual issues include, *inter alia*:



1 a. what Defendants knew about the presence and risks associated  
2 with the COVID-19 virus, and contagions generally, and when they knew it;

3 b. whether Defendants should have canceled the subject cruise to  
4 avoid exposing passengers to a deadly pathogen and/or taken other steps to avoid  
5 exposing passengers to a deadly pathogen;

6 c. whether, in light of the widespread knowledge of COVID-19  
7 and Defendants' knowledge of the risk of contagion aboard cruise ships,  
8 Defendants had a duty to conduct medical screenings of passengers prior to  
9 boarding Plaintiffs and others onto the M/V GRAND PRINCESS on February 11,  
10 2020;

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

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

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

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

26 h. interpretation of the applicable contract documents and the  
27 associated "Passenger Bill of Rights" incorporated therein;  
28

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

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

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

7 l. whether the conduct of any or all of the defendants warrants the  
8 imposition of punitive damages to vindicate the societal interest in punishment and  
9 deterrence.

10 **E. Superiority**

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

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

22 74. Class treatment of common questions of law and fact is superior to  
23 other available procedures, such as multiple individual actions or piecemeal  
24 litigation because class treatment will conserve the resources of the courts and the  
25 litigants, and will promote consistency and efficiency of adjudication.

26 **F. Limited Fund**

27 75. In an abundance of caution, Plaintiffs take note of the presently  
28 apparent financial circumstances of CARNIVAL and/or PRINCESS to allege the

1 possibility that their assets and resources available to fairly compensate Plaintiffs  
2 and Class Members, to satisfy appropriate punitive damages awards, and/or  
3 otherwise fairly address the claims against them may constitute a “limited fund”  
4 within the meaning of *Ortiz v. Fibreboard Corp.*, 527 U.S. 815 (1999), such that  
5 class certification under Rule 23(b)(1)(B) is necessary and appropriate as a matter  
6 of due process and equity.

7 **G. Mass Action**

8 76. In the alternative, this matter should proceed as a mass action, as  
9 defined in 28 U.S.C. § 1332 (d)(11)(B)(i) and should be tried jointly on the ground  
10 that plaintiffs’ claims involve common questions of law or fact, including as set  
11 forth above.

12 77. Plaintiffs’ individual claims exceed the required jurisdictional amount  
13 of \$75,000.00.

14 **CLAIMS FOR RELIEF**

15 **FIRST CAUSE OF ACTION**  
16 **NEGLIGENCE AGAINST ALL DEFENDANTS**

17 78. Plaintiffs re-allege all allegations in all preceding paragraphs as if  
18 alleged fully herein.

19 79. Defendants owed Plaintiffs, and the Class, who were passengers who  
20 boarded the M/V GRAND PRINCESS on February 11, 2020, a duty to ensure that  
21 they would not be exposed to an unreasonable risk of harm.

22 80. Likewise, Defendants owed Plaintiffs and the Class a duty to take  
23 actions to prevent and mitigate the risk of threats to passengers’ health and safety,  
24 including by ensuring that the M/V GRAND PRINCESS was properly cleaned,  
25 disinfected, and safely maintained before and during the voyage.

26 81. Defendants knew or should have known that cruise ships pose an  
27 especially severe risk of viral outbreak. Defendants knew or should have known  
28 that cruise ships owned and operated by Defendants had been the sites of prior,  
lethal outbreaks of COVID-19, and should have been aware of new guidelines for

1 the cruise industry published by Dr. Hadjichristoulou and a team of European  
2 experts on February 3, 2020. In particular, Defendants had knowledge of the actual  
3 risks facing passengers based on the outbreak of the virus on the M/V Diamond  
4 Princess a mere three weeks prior to the instant outbreak.

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

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

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

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

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

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

1 procedures, and the actual risk of exposure to COVID-19, Plaintiffs and the Class  
2 could have made informed decisions about their health and their families' health,  
3 including disembarking from or not boarding the vessel.

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

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

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

19 91. As a direct and proximate result of Defendants' breach of their duties  
20 of care, Plaintiff CONNIE SIMMONS has suffered weeks of illness, including a  
21 cough, shortness of breath, and blood clots, and she was forced to stop working for  
22 over five weeks.

23 92. As a direct and proximate result of Defendants' breach of their duties  
24 of care, Plaintiff DUC CHUNG suffered from a fever, cough, sore throat, and other  
25 symptoms that required him to self-quarantine and miss multiple days of work.

26 93. As a direct and proximate result of Defendants' breach of their duties  
27 of care, Plaintiff JAMES SIMMONS suffered from sore throat, fever, chills, and a  
28 cough that caused him to miss multiple days of work.

1 94. As a direct and proximate result of Defendants' breach of their duties  
2 of care, Plaintiff Dwight Everett contracted COVID-19, and was ill for  
3 approximately 5 days while onboard the M/V GRAND PRINCESS.

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

13 **SECOND CAUSE OF ACTION**  
14 **GROSS NEGLIGENCE AGAINST ALL DEFENDANTS**

15 96. Plaintiffs re-allege all allegations in all preceding paragraphs as if  
16 alleged fully herein.

17 97. Defendants owed duties to Plaintiffs and the Class to: safeguard  
18 against and mitigate the risks of passenger injury and illness; appropriately disinfect  
19 and sanitize the M/V GRAND PRINCESS, in light of the circumstances of a global  
20 pandemic; notify Plaintiffs and the Class of the actual and especially high risk of  
21 contracting COVID-19 aboard the M/V GRAND PRINCESS; disembark  
22 passengers and crew members who had likely come into contact with individuals  
23 infected with COVID-19; and implement medical screening and examination  
24 protocols for crew and passengers.

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

1           99. Defendants' conduct in deciding to continue to operate the M/V  
2 GRAND PRINCESS with Plaintiffs and the Class aboard, even with the  
3 aforementioned knowledge, demonstrates an intentional failure to do what a  
4 reasonably careful cruise ship owner and operator would do under the  
5 circumstances, exhibits a willful and conscious disregard for the safety of Plaintiffs  
6 and the Class, and evidences recklessness and indifference by Defendants, which  
7 constitutes gross negligence.

8           100. Defendants' failure to abide by the guidelines issued on February 3,  
9 2020, by not disembarking, quarantining or otherwise sheltering in their cabins the  
10 passengers and crew members known to have come into contact with the passenger  
11 suffering from COVID-19 symptoms onboard the instant cruise demonstrates a  
12 willful and conscious disregard for the rights and safety of others and amounts to an  
13 extreme departure of what a reasonably careful cruise ship owner and operator  
14 would do.

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

23           102. Moreover, Defendants' behavior demonstrated a willful and conscious  
24 disregard for the rights and safety of others, and an extreme departure of what a  
25 reasonably careful cruise ship owner and/or operator would do in their continued  
26 and repeated choices to: not effectively sanitize and disinfect the M/V GRAND  
27 PRINCESS during the San Francisco-Mexico voyage; not institute medical  
28 screening and examinations for passengers and crew members; host large social

1 gatherings and meals; conduct daily turn-down service; and not implement  
2 quarantine or social distance protocols at any point during the voyage. These  
3 decisions manifest Defendants' utter failure to provide even a modicum of care to  
4 Plaintiffs and the Class.

5 103. Defendants chose to place profits over people, including the safety of  
6 their passengers, crew, and the general public in continuing to operate business as  
7 usual, despite their knowledge of the actual—potentially lethal—risk to Plaintiffs  
8 and the Class.

9 104. As a direct and proximate result of Defendants' conduct, Plaintiffs  
10 were placed at actual, continual risk of immediate, and potentially fatal, physical  
11 injury.

12 105. Indeed, as a direct and proximate result of Defendants' breach of their  
13 duties of care, Plaintiff CONNIE SIMMONS has suffered weeks of illness,  
14 including cough, shortness of breath, and blood clots, and she was forced to stop  
15 working for over five weeks.

16 106. As a direct and proximate result of Defendants' breach of their duties  
17 of care, Plaintiff DUC CHUNG suffered from a fever, cough, sore throat, and other  
18 symptoms that required him to self-quarantine and miss multiple days of work.

19 107. As a direct and proximate result of Defendants' breach of their duties  
20 of care, Plaintiff JAMES SIMMONS suffered from sore throat, fever, chills, and a  
21 cough that caused him to miss multiple days of work.

22 108. As a direct and proximate result of Defendants' breach of their duties  
23 of care, Plaintiff DWIGHT EVERETT contracted COVID-19, and was ill for  
24 approximately 5 days while onboard the M/V GRAND PRINCESS.

25 109. Finally, as a direct and proximate result of Defendants' gross  
26 negligence in exposing Plaintiffs and the Class to actual risk of immediate physical  
27 injury, Plaintiffs and the Class have suffered emotional distress of the nature and  
28 type that reasonable persons would suffer under the circumstances alleged in this



1 Complaint, including, but not limited to, suffering, anguish, fright, horror,  
2 nervousness, grief, anxiety, worry, shock, humiliation and shame. They were  
3 traumatized by the fear of developing COVID-19. It is expected that they will  
4 continue to suffer and will, in the future, require medical services not of a kind  
5 generally accepted as a typical part of daily life.

6 **THIRD CAUSE OF ACTION**  
7 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

8 110. Plaintiffs re-allege all allegations in all preceding paragraphs as if  
9 alleged fully herein.

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

15 112. Even in light of this information, however, Defendants failed to  
16 implement any effective screening or medical examination procedures for  
17 passengers boarding the ship prior to the voyage.

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

22 114. Nevertheless, Defendants continually and repeatedly: failed to take  
23 any effective actions to prevent or mitigate the spread of COVID-19; failed to alert  
24 passengers to the possibility of infection aboard the ship; hosted and encouraged  
25 participation in large group activities and events that Defendants knew could lead to  
26 large-scale infection among the crew and passengers.

27 115. These choices by Defendants created a dangerous and threatening  
28 environment in which Plaintiffs and the Class were forced to live for almost two

1 weeks, at all times directly at risk of becoming infected with, made ill by, and/or  
2 spreading COVID-19.

3 116. As the direct and proximate result of Defendants’ actions and  
4 omissions throughout the duration of their voyage aboard the M/V GRAND  
5 PRINCESS, Plaintiffs and members of the Class were in the “zone of danger,”  
6 where they were at immediate risk of actual physical harm, including the potential  
7 of contracting COVID-19, suffering from the illness—including experiencing  
8 shortness of breath, coughing, body aches, fever, and/or any number of yet-to-be-  
9 identified future ailments, such as liver damage, kidney failure, or blood clotting—  
10 and potentially death as a result of the virus.

11 117. Plaintiffs and members of the Class experienced severe psychic  
12 injuries, of the nature and type that reasonable persons would suffer under the  
13 circumstances alleged in this Complaint, when they were forced to watch first hand  
14 as their friends and family members became ill with COVID-19, feared for their  
15 own safety and well-being, and continue to fear that they may begin exhibiting  
16 symptoms or health complications not yet identified as a result of COVID-19.  
17 Plaintiffs suffered physical and emotional injury as the direct and proximate result  
18 of Defendants’ misconduct.

19 118. As a direct and proximate result of Defendants’ extreme departure  
20 from the ordinary standard of care and their failure to meet their duties of care to  
21 Plaintiffs and the Class by providing even scant care, Plaintiff CONNIE  
22 SIMMONS has suffered weeks of illness, including cough, shortness of breath, and  
23 blood clots, and she was forced to stop working for over five weeks.

24 119. As a direct and proximate result of Defendants’ breach of their duties  
25 of care, Plaintiff DUC CHUNG suffered from a fever, cough, sore throat, and other  
26 symptoms that required him to self-quarantine and miss multiple days of work.

27 120. Plaintiff JAMES SIMMONS suffered from sore throat, fever, chills,  
28 and a cough that caused him to miss multiple days of work.

1 121. As a direct and proximate result of Defendants' breach of their duties  
2 of care, Plaintiff DWIGHT EVERETT contracted COVID-19, and was ill for  
3 approximately 5 days while onboard the M/V GRAND PRINCESS.

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

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

21  
22 **FOURTH CAUSE OF ACTION**  
23 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

24 124. Plaintiffs re-allege all allegations in all preceding paragraphs as if  
25 alleged fully herein.

26 125. Defendants knew or should have known of the actual risk of viral  
27 contagion of COVID-19 aboard cruise ships, and, based on their experience with  
28 COVID-19 outbreak aboard the Diamond Princess only 3 weeks prior to the instant  
voyage on the M/V GRAND PRINCESS, Defendants knew or should have known

1 that it was especially dangerous to expose Plaintiffs and the rest of the Class to  
2 COVID-19.

3 126. By or before the time of boarding passengers onto the M/V GRAND  
4 PRINCESS, on February 11, 2020, Defendants knew or should have known of the  
5 extreme risks to health and safety—including the possibility of death—presented by  
6 COVID-19.

7 127. In light of this knowledge and experience, and particularly given that  
8 cruise ships present an especially heightened risk of contagion, Defendants  
9 exhibited extreme and outrageous conduct when, *inter alia*, Defendants boarded  
10 Plaintiffs and the Class onto the M/V GRAND PRINCESS on February 11, 2020,  
11 without taking any effective measures to medically screen or examine passengers  
12 for COVID-19 symptoms.

13 128. Defendants also knew or should have known during the instant trip  
14 that at least one passenger aboard the M/V GRAND PRINCESS was experiencing  
15 symptoms of COVID-19.

16 129. Defendants additionally acted extremely and outrageously when they  
17 chose not to effectively clean, sanitize, sterilize, or disinfect the M/V GRAND  
18 PRINCESS during the instant trip.

19 130. Defendants exhibited repeated and continued extreme and outrageous  
20 conduct when Defendants failed to: alert Plaintiffs to the fact that at least one  
21 passenger on the trip was experiencing COVID-19 symptoms and had come into  
22 contact with passengers and crew members; notify Plaintiffs and the Class about the  
23 actual and potential threat of exposure to, infection of, and the possibility of  
24 spreading COVID-19 aboard the ship; failed to advise Plaintiffs and the Class about  
25 the possibility and health benefits of disembarking during the trip, at one of the  
26 vessel's ports of call.

27 131. Defendants continued to behave extremely and outrageously when,  
28 after learning about the ill passenger, they: encouraged Plaintiffs and the Class to

1 continue mingling and participating in large group events and functions throughout  
2 the duration of the trip; continued to provide turn down service to passengers  
3 despite the fact that crew members had likely been exposed to COVID-19; and  
4 failed to institute any policies for quarantine, isolation, or social distancing for  
5 passengers.

6 132. As a direct and proximate result of Defendants' intentional and  
7 reckless behavior and omissions, Plaintiffs and the Class suffered severe emotional  
8 distress and physical harm.

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

16 134. As a direct and proximate result of Defendants' extreme departure  
17 from the ordinary standard of care and their failure to meet their duties of care to  
18 Plaintiffs and the Class by providing even scant care,

19 135. As a direct and proximate result of Defendants' breach of their duties  
20 of care, Plaintiff CONNIE SIMMONS has suffered weeks of illness, including  
21 cough, shortness of breath, and blood clots, and she was forced to stop working for  
22 over five weeks.

23 136. As a direct and proximate result of Defendants' breach of their duties  
24 of care, Plaintiff DUC CHUNG suffered from a fever, cough, sore throat, and other  
25 symptoms that required him to self-quarantine and miss multiple days of work.

26 137. Plaintiff JAMES SIMMONS suffered from sore throat, fever, chills,  
27 and a cough that caused him to miss multiple of work.  
28

1           138. As a direct and proximate result of Defendants' breach of their duties  
2 of care, Plaintiff DWIGHT EVERETT contracted COVID-19 and was ill for  
3 approximately 5 days while onboard the M/V GRAND PRINCESS.

4           139. Finally, as a direct and proximate result of Defendants' behavior,  
5 which exposed Plaintiffs and the Class to actual risk of immediate physical injury,  
6 Plaintiffs and the Class have suffered emotional distress of the nature and type that  
7 reasonable persons would suffer under the circumstances alleged in this Complaint,  
8 including, but not limited to, suffering, anguish, fright, horror, nervousness, grief,  
9 anxiety, worry, shock, humiliation, and shame related to their own risk of  
10 contracting COVID-19 and the suffering they witnessed among their fellow  
11 passengers who contracted COVID-19. Plaintiffs and members of the class were  
12 traumatized by the fear of their family members, friends and fellow passengers  
13 developing COVID-19 and by the past and ongoing threat to their own health of  
14 becoming infected with the virus and potentially suffering from as-yet-unidentified  
15 negative health outcomes and complications.

16           140. Plaintiffs and Class members were endangered and harmed by  
17 Defendants' actions when they were forced to travel on an infected vessel without  
18 appropriate information about the risks facing them. It is expected that Plaintiffs  
19 and the Class will continue to suffer and will, in the future, require medical services  
20 not of a kind generally accepted as part of the wear and tear of daily life.

21           141. Throughout the events described in this Complaint, Defendants  
22 repeatedly acted with conscious, callous, and/or reckless disregard for the rights,  
23 interests, health and safety of their passengers, such that the imposition of punitive  
24 damages, under CA Civil Code Section 3294 and/or all other applicable law, is  
25 necessary and appropriate to punish them for their course of conduct, and to deter  
26 them and others, and protect the public, from the consequences of similar conduct.

27  
28

**PRAYER FOR RELIEF**

1  
2 WHEREFORE, Plaintiffs, on behalf of themselves, and all others similarly  
3 situated, pray for judgment against Defendants, and each of them, as follows:

4 1. An order certifying the proposed Class pursuant to Fed. R. Civ. P. Rule  
5 23(a) and (b)(1), (b)(2), (b)(3) and/or (c)(4), designating Plaintiffs DUC CHUNG,  
6 BERNETTA EVERETT, DWIGHT EVERETT, CONNIE SIMMONS, JAMES  
7 SIMMONS and MICHAEL SIMMONS as named representatives of the Class and  
8 designating the undersigned as Class Counsel;

9 2. An award of damages totaling in excess of Five Million Dollars  
10 (\$5,000,000.00), inclusive of compensatory damages for Plaintiffs' injuries, including  
11 emotional pain and suffering and any other damages allowed by law, in an amount to  
12 be proven at trial;

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

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

27 4. An injunction requiring Defendants to: disclose to future passengers the  
28 nature and rate of risk of communicable disease upon their cruise ships; implement

1 disinfecting and sanitizing procedures on each of their ships in between and during  
2 voyages; implement appropriate social distancing and physical distancing protocols to  
3 avoid or reduce the transmission of communicable pathogens; disembark and  
4 quarantine passengers when Defendants become aware of a heightened risk of  
5 communicable disease aboard a ship; and canceling or discontinuing the operation of  
6 cruises when Defendants know or should have known of a potential deadly pathogen  
7 or similar aboard their ships.

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

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

11 7. Leave to amend this Complaint to conform to the evidence produced at  
12 trial; and

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

14 **DEMAND FOR JURY TRIAL**

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

17  
18 Respectfully submitted,

19 Dated: June 4, 2020

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20  
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Dated: June 4, 2020

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