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24 UNITED STATES DISTRICT COURT

25 CENTRAL DISTRICT OF CALIFORNIA

26 TIMOTHY LEUENHAGEN; NANCY
27 LEUENHAGEN; JAMES LEMAIRE;
28 HELGA MYLES; MARILYN
HAMILTON; CECELIA BOGER;
TERRY FRASER; CYNTHIA FRASER;
JOAN MCREE; JORDAN
LICHTENSTEIN; MARCIA
LICHTENSTEIN; J. LESLIE WARNER;
WENDY WARNER; MICHAEL
PIASECKI; BONNIE PIASECKI;
DAVID KNUDSEN; CINDY
KNUDSEN; EDWARD LAKE; and
ELAINE CARRIGAN, on behalf of
themselves and all others similarly
situated,

Plaintiffs,

Case No.: 2:21-cv-1187

**CLASS ACTION AND
INDIVIDUAL 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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vs.
CARNIVAL CORPORATION;
CARNIVAL PLC and PRINCESS
CRUISE LINES LTD.,
Defendants.

COMPLAINT AND JURY DEMAND

Individual and representative Plaintiffs TIMOTHY LEUENHAGEN, NANCY LEUENHAGEN, JAMES LEMAIRE, HELGA MYLES, and MARILYN HAMILTON, bring this action for themselves and on behalf of all persons similarly situated, including individual Plaintiffs, CECELIA BOGER, TERRY FRASER, CYNTHIA FRASER, JOAN MCREE, JORDAN LICHTENSTEIN, MARCIA LICHTENSTEIN, J. LESLIE WARNER, WENDY WARNER, MICHAEL PIASECKI, BONNIE PIASECKI, DAVID KNUDSEN, CINDY KNUDSEN, EDWARD LAKE, ELAINE CARRIGAN, and the more than 2,000 passengers who sailed on the roundtrip Motor Vessel (“M/V”) GRAND PRINCESS cruise from San Francisco, California on February 21, 2020, to Hawaii, 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 Timothy Leuenhagen is *sui juris*, and is a resident of Washoe County, Nevada and was a passenger onboard the Grand Princess cruise from February 21, 2020, to disembarkation on or about March 10, 2020.
2. Individual and representative Plaintiff Nancy Leuenhagen is *sui juris*, and is a resident of Washoe County, Nevada and was a passenger onboard the Grand Princess cruise from February 21, 2020, to disembarkation on or about March 10, 2020.

1 3. Individual and representative Plaintiff James Lemaire is *sui juris*, and
2 is a resident of Ormsby County, Nevada and was a passenger onboard the Grand
3 Princess cruise from February 21, 2020, to disembarkation on or about March 10,
4 2020.

5 4. Individual and representative Plaintiff Helga Myles is *sui juris*, and is
6 a resident of Ormsby County, Nevada and was a passenger onboard the Grand
7 Princess cruise from February 21, 2020, to disembarkation on or about March 10,
8 2020.

9 5. Individual and representative Plaintiff Marilyn Hamilton is *sui juris*,
10 and is a resident of Calaveras County, California and was a passenger onboard the
11 Grand Princess cruise from February 21, 2020, to disembarkation on or about
12 March 10, 2020.

13 6. Individual Plaintiff Cecelia Boger is *sui juris*, and is a resident of
14 Oneida County, Wisconsin and was a passenger onboard the M/V GRAND
15 PRINCESS cruise from February 21, 2020, to disembarkation on or about March
16 10, 2020.

17 7. Individual Plaintiff Terry Fraser is *sui juris*, and is a resident of
18 Scugog Township, Ontario, Canada and was a passenger onboard the M/V GRAND
19 PRINCESS cruise from February 21, 2020, to disembarkation on or about March
20 10, 2020.

21 8. Individual Plaintiff Cynthia Fraser is *sui juris*, and is a resident of
22 Scugog Township, Ontario, Canada and was a passenger onboard the M/V GRAND
23 PRINCESS cruise from February 21, 2020, to disembarkation on or about March
24 10, 2020.

25 9. Individual Plaintiff Joan McCree is *sui juris*, and is a resident of
26 Nevada County, California and was a passenger onboard the M/V GRAND
27 PRINCESS cruise from February 21, 2020, to disembarkation on or about March
28 10, 2020.

1 10. Individual Plaintiff Jordan Lichtenstein is *sui juris*, and is a resident of
2 Cook County, Illinois and was a passenger onboard the M/V GRAND PRINCESS
3 cruise from February 21, 2020, to disembarkation on or about March 10, 2020.

4 11. Individual Plaintiff Jordan is *sui juris*, and is a resident of Cook
5 County, Illinois and was a passenger onboard the M/V GRAND PRINCESS cruise
6 from February 21, 2020, to disembarkation on or about March 10, 2020.

7 12. Individual Plaintiff J. Leslie Warner is *sui juris*, and is a resident of
8 Nipissing Township, Ontario, Canada and was a passenger onboard the M/V
9 GRAND PRINCESS cruise from February 21, 2020, to disembarkation on or about
10 March 10, 2020.

11 13. Individual Plaintiff Wendy Warner is *sui juris*, and is a resident of
12 Nipissing Township, Ontario, Canada and was a passenger onboard the M/V
13 GRAND PRINCESS cruise from February 21, 2020, to disembarkation on or about
14 March 10, 2020.

15 14. Individual Plaintiff Michael Piasecki is *sui juris*, and is a resident of
16 Lucas County, Ohio and was a passenger onboard the M/V GRAND PRINCESS
17 cruise from February 21, 2020, to disembarkation on or about March 10, 2020.

18 15. Individual Plaintiff Bonnie Piasecki is *sui juris*, and is a resident of
19 Lucas County, Ohio and was a passenger onboard the M/V GRAND PRINCESS
20 cruise from February 21, 2020, to disembarkation on or about March 10, 2020.

21 16. Individual Plaintiff David Knudsen is *sui juris*, and is a resident of
22 Washington County, Utah and was a passenger onboard the M/V GRAND
23 PRINCESS cruise from February 21, 2020, to disembarkation on or about March
24 10, 2020.

25 17. Individual Plaintiff Cindy Knudsen is *sui juris*, and is a resident of
26 Washington County, Utah and was a passenger onboard the M/V GRAND
27 PRINCESS cruise from February 21, 2020, to disembarkation on or about March
28 10, 2020.

1 18. Individual Plaintiff Edward Lake is, *sui juris*, and is a resident of Santa
2 Cruz County, California and was a passenger onboard the M/V GRAND
3 PRINCESS cruise from February 21, 2020, to disembarkation on or about March
4 10, 2020.

5 19. Individual Plaintiff Elaine Carrigan is, *sui juris*, and is a resident of
6 Santa Cruz County, California and was a passenger onboard the M/V GRAND
7 PRINCESS cruise from February 21, 2020, to disembarkation on or about March
8 10, 2020.

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

11 21. Defendant CARNIVAL PLC was incorporated in 2000, in Wales,
12 United Kingdom. It also has its headquarters in Miami, Florida.

13 22. Upon information and belief, Defendant PRINCESS CRUISE LINES
14 LTD. is incorporated in Bermuda, with its headquarters in Santa Clarita, California.

15 23. Upon information and belief, at all times hereto, CARNIVAL
16 CORPORATION, CARNIVAL PLC, and PRINCESS advertised, marketed, sold,
17 and profited (directly or indirectly) from and owned, controlled, and operated the
18 cruise ship, M/V GRAND PRINCESS.

19 **ALTER EGO/PIERCING CORPORATE VEIL**

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

23 25. CARNIVAL CORPORATION and CARNIVAL PLC operate as a
24 single economic enterprise. They share a senior executive management team and
25 identical Boards of Directors. Both CARNIVAL CORPORATION and
26 CARNIVAL PLC share a single headquarters in Miami, Florida. They are one and
27 the same.
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1 26. As described by CARNIVAL CORPORATION in a filing with the
2 Securities and Exchange Commission (“SEC”), “Carnival Corporation and Carnival
3 plc operate a dual listed company (‘DLC’), whereby the businesses of Carnival
4 Corporation and Carnival plc are combined through a number of contracts and
5 through provisions in Carnival Corporation’s Articles of Incorporation and By-
6 Laws and Carnival plc’s Articles of Association.”

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

11 28. In the same SEC filings in which CARNIVAL explains the DLC, it
12 also claims a portfolio of cruise brands which it breaks into two segments (1) the
13 North America Segment, which includes PRINCESS, and (2) the Europe Australia
14 and Asia Segment. CARNIVAL represents that, with these two segments, it
15 “operate[s] over 100 cruise ships within a portfolio of leading global, regional and
16 national cruise brands.” CARNIVAL further provides details as to the passenger
17 capacity of each of its subsidiary brands, and each brand’s respective percentage of
18 the total capacity of CARNIVAL CORPORATION.

19 29. CARNIVAL thus represents to the public that it can properly claim the
20 revenues, income, earnings, assets, carrying capacity, employees and vessels
21 operating as PRINCESS CRUISE LINES.

22 30. CARNIVAL exercises total domination over PRINCESS, to the extent
23 that Princess manifests no separate corporate interests of its own and functions
24 solely to achieve the purposes of CARNIVAL.

25 a. CARNIVAL and PRINCESS share the same Board of Directors
26 and almost all of the same executive officers, and CARNIVAL and PRINCESS
27 also appear to use the same assets, including the vessel that is the subject of this
28 Complaint.

1 b. In fact, in past SEC filings, CARNIVAL has claimed the M/V
2 GRAND PRINCESS as one of its assets. CARNIVAL represents that the M/V
3 GRAND PRINCESS is one of its vessels for the purposes of aggregating
4 CARNIVAL's own worth, financial condition and abilities to the public and in
5 business dealings, allowing it to leverage this value for its own benefit.

6 c. CARNIVAL's Group Senior Vice President and Chief Medical
7 Officer, Dr. Grant Tarling, also serves as the Chief Medical Officer for each of
8 CARNIVAL's cruise line brands. In this role, Dr. Tarling provided multiple
9 messages to the public on behalf of PRINCESS and CARNIVAL through YouTube
10 and Facebook, regarding the status of the M/V DIAMOND PRINCESS and about
11 safety measures PRINCESS and CARNIVAL claimed to implement on PRINCESS
12 ships.¹

13 d. CARNIVAL also claims for itself all of PRINCESS's purported
14 rights, exemptions from liability, defenses, and immunities included in
15 PRINCESS's Passage Contract, despite not being a signatory to the Passage
16 Contract.

17 e. CARNIVAL determines the bonuses paid to executives of its
18 cruise line brands, including PRINCESS, through its Management Incentive Plan.
19 Bonuses paid to executives of CARNIVAL's cruise line brands are determined both
20 by whether the executive's cruise line brand met its "Brand Operating Income
21 Target" and by whether CARNIVAL met its company-wide "Corporation
22 Operating Income Target."

23 f. CARNIVAL promulgated Health, Environmental, Safety, and
24 Security (HESS) policies for all of its cruise line brands, including PRINCESS.

26 ¹ See, e.g., Diamond Princess Update: Dr. Grant Tarling, February 13, 2020,
27 <https://www.facebook.com/PrincessCruises/videos/203765767439746/> (last visited
28 August 14, 2020); Dr. Grant Tarling Medical Update with Enhanced Screening and
Preventive Health Measures, February 29, 2020,
<https://www.youtube.com/watch?v=kSOuXwmh9Lo> (last visited August 14, 2020).

1 CARNIVAL’s HESS Corporate Policy states that CARNIVAL will “ensure
2 compliance with this [HESS] policy within each of Carnival’s Corporate and
3 Operating Line organizations.”²

4 g. In 2018, CARNIVAL implemented a HESS event reporting
5 platform to “standardize HESS event reporting and analysis capabilities across our
6 entire fleet.”³

7 31. In 2016, PRINCESS agreed to plead guilty to federal felony charges
8 stemming from its illegal dumping of oil-contaminated bilge waste into the seas and
9 intentional acts to cover it up. In its plea agreement, PRINCESS agreed to pay a
10 \$40 million penalty—the largest criminal penalty ever involving deliberate vessel
11 pollution. Though CARNIVAL was not a defendant in the action, CARNIVAL
12 signed the plea agreement and bound itself to its terms.

13 32. The plea agreement noted that CARNIVAL “currently monitors and
14 supervises environmental, safety, security, and regulatory requirements for Princess
15 and other Carnival brands.” Prior to the government investigation that led to the
16 plea agreement, CARNIVAL had “undertaken steps to strengthen and enhance its
17 oversight and compliance structure.” For example, “the company initiated structural
18 changes within its management organization, primary among which was the
19 creation of a position titled ‘Chief Maritime Officer,’ placing the responsibility for
20 overall environmental, safety, and security compliance in one individual”

21 33. The plea agreement required CARNIVAL to fund and implement an
22 Environmental Compliance Plan (“ECP”) across all of its brands, not just
23 PRINCESS. The ECP required CARNIVAL to designate a Corporate Compliance
24 Manager (“CCM”) who was to “have overall responsibility for the implementation

25 ² Carnival Corporation & PLC Health, Environmental, Safety, Security, and
26 Sustainability Corporate Policy, [https://www.carnivalcorp.com/static-
files/0b8327aa-c3be-4022-a1a5-a6dad7123af7](https://www.carnivalcorp.com/static-files/0b8327aa-c3be-4022-a1a5-a6dad7123af7) (last visited September 30, 2020).

27 ³ Sustainability from Ship to Shore, Carnival Corp. & PLC FY2018 Sustainability
28 Report, [https://safety4sea.com/wp-content/uploads/2019/06/Carnival-Corp.-
Sustainability-From-Ship-to-Shore-2019_06.pdf](https://safety4sea.com/wp-content/uploads/2019/06/Carnival-Corp.-Sustainability-From-Ship-to-Shore-2019_06.pdf) (last visited September 30, 2020).

1 of[the] ECP” and “authorized to access all records, documents, facilities, and
2 vessels, including all spaces within vessels necessary to perform their function,
3 throughout CARNIVAL for the purpose of implementing [the] ECP.”

4 34. In 2019, the U.S. sought to revoke PRINCESS’s probation for
5 violating the terms of the ECP. The court in that case required members of the
6 Executive Committee of the CARNIVAL Board of Directors (including the CEO
7 and Chairman) be present at the revocation hearing.

8 35. PRINCESS and CARNIVAL admitted to violating probation by
9 failing to fully implement the ECP. In the settlement agreement for those violations,
10 CARNIVAL agreed to issue a statement to all employees across all of its brands
11 stating that CARNIVAL’s CEO “personally accepts management responsibility for
12 the probation violations” As part of the settlement, CARNIVAL agreed to
13 submit “an action plan for restructuring its corporate compliance functions, which
14 includes creating a new Ethics and Compliance Department at All Brands Group
15 that is part of a broader Ethics and Compliance Program that extends throughout the
16 brands/operating lines;” The settlement agreement was signed “on behalf of
17 Defendant” by three members of the “Executive Committees of the Boards of
18 Directors of Carnival Corporation and Carnival plc,” but no representatives of
19 PRINCESS.

20 36. Also in 2019, CARNIVAL announced that it was creating a new Chief
21 Ethics and Compliance Officer “to further develop our ethics and compliance
22 program across the entire corporation.” CARNIVAL explained that “[i]t is
23 important to note that the Ethics & Compliance is not just a single department
24 within All Brands Group – but rather a corporate-wide program – with key Ethics
25 & Compliance Officers . . . who help shape and implement the program initiatives
26 in each of the operating companies.”

27 37. In March 2020, CARNIVAL announced that it was implementing a
28 temporary pause of cruise operations across all of its brands, including PRINCESS,

1 as a result of the COVID-19 pandemic. To address the costs of this temporary pause
2 to its operations, the CEO of CARNIVAL wrote a message to all of the employees
3 of CARNIVAL and its subsidiary brands, stating: “I’ve directed our brand leaders
4 to reduce or eliminate non-critical cash expenditures, but of course never cutting
5 anything that would impact compliant, environmentally sound and safe operations.”

6 38. In September 2020, CARNIVAL announced the sale of two of its
7 cruise ships, the Sun Princess and the Sea Princess. PRINCESS announced that it
8 was selling the ships because the sale “is in line with parent company Carnival
9 Corporation’s plan to accelerate the removal of less efficient ships from its fleet.”⁴

10 39. As demonstrated above, CARNIVAL has ownership and control over
11 PRINCESS, and CARNIVAL exerts control and domination over PRINCESS’s
12 business and day-to-day operations. Plaintiffs believe that further discovery will
13 reveal the full extent of this control.

14 40. Given CARNIVAL’s control of operations and co-mingling of assets
15 with PRINCESS—both of which can be more fully established through
16 discovery—the corporate form should be disregarded here. Failure to do so would
17 thwart the interests of justice by allowing CARNIVAL to, on one hand, claim the
18 M/V GRAND PRINCESS as a part of its holdings, but then, on the other hand,
19 disclaim responsibility for that vessel and the passengers traveling on it.

20 **JURISDICTION**

21 41. This Court has Admiralty subject matter jurisdiction pursuant to 28
22 U.S.C. § 1333 as this case involves a maritime tort. The type of incident and
23 injuries suffered by Plaintiffs and the class had the potential to impact maritime
24 commerce as Plaintiffs and the class suffered harm and Plaintiffs and the class were

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27 ⁴ Princess Press Release, Sun Princess and Sea Princess to Leave Princess Cruises
28 Fleet, (Sept. 21, 2020),
https://www.princess.com/news/notices_and_advisories/notices/sun-and-sea-princess-to-leave-princess-cruises-fleet.html (last visited Oct. 1, 2020).

1 and continue to be at serious risk of imminent harm as a result of exposure to
2 COVID-19 aboard the cruise ship upon which they were paying passengers.

3 42. This Court also has subject matter jurisdiction pursuant to the Class
4 Action Fairness Act, codified at 28 USC §1332(d)(2)(A) and (C), because the
5 claims of the proposed Class Members exceed \$5,000,000, and because at least one
6 member of the Proposed Class of plaintiffs is a citizen of a state different from at
7 least one Defendant. Further, this court has jurisdiction over the claims of certain
8 individual Plaintiffs under 28 U.S.C. § 1332 because the amount in controversy
9 exceeds seventy-five thousand dollars (\$75,000), as to each of the individual
10 Plaintiffs and Plaintiffs are citizens of a different state than the Defendants.

11 43. This Court has personal jurisdiction over Defendants, who each
12 conduct substantial business in this district.

13 44. Defendant PRINCESS has its headquarters in Santa Clarita, California.

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

20 46. The claims asserted herein arise from Defendants' contacts with
21 California.

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

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

1 VENUE

2 49. 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
4 they are subject to personal jurisdiction.

5 50. 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 ALLEGATIONS

10 **I. COVID-19, Its Symptoms, and Long-Term Effects**

11 51. In December 2019, a new strain of Coronavirus known as COVID-19
12 or SARS-CoV-2 was first reported as having been diagnosed in humans in China.
13 The virus quickly spread through China and Asia and has caused a global
14 pandemic.

15 52. On January 20, 2020, the United States Centers for Disease Control
16 and Prevention (“CDC”) announced the first confirmed case in the U.S. Ten days
17 later, on January 30, 2020, the CDC announced that it had identified, in Illinois, the
18 first known instance of person-to-person spread (i.e. not related to travel outside of
19 the United States).

20 53. Also on January 30, 2020, the World Health Organization (“WHO”)
21 declared COVID-19 a “Public Health Emergency of International Concern.”
22 According to WHO, a Public Health Emergency of International Concern is “an
23 extraordinary event which is determined to constitute a public health risk to other
24 States through the international spread of disease and to potentially require a
25 coordinated international response.”
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1 54. On January 31, 2020, the U.S. Secretary for Health and Human
2 Services declared a public health emergency for “the entire United States to aid the
3 nation’s healthcare community in responding” to COVID-19.⁵

4 55. There are currently over 27 million confirmed cases of COVID-19 in
5 the United States, and over 465,000 people have died of the virus in the U.S. The
6 death toll worldwide is reported to be more than 2.3 million out of more than 107
7 million confirmed cases.

8 56. The full scope of the impact of this pandemic remains unknown, as
9 reports have indicated that the numbers of cases and deaths may be significantly
10 undercounted.⁶ One reason for this undercounting is due to the unavailability and
11 inaccuracy of COVID-19 diagnostic tests in the United States, particularly during
12 the early days of the pandemic.⁷ Indeed, the initial test designed by the CDC
13 contained critical flaws, and the process of developing a more accurate test delayed
14 widespread availability of COVID-19 tests by weeks.⁸

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17 ⁵ Secretary Azar Declares Public Health Emergency for United States for 2019
Novel Coronavirus (Jan. 31, 2020),

18 <https://www.hhs.gov/about/news/2020/01/31/secretary-azar-declares-public-health-emergencyus-2019-novel-coronavirus.html> (last visited Sept. 30, 2020).

19 ⁶ Berkeley Lovelace Jr., *Official U.S. coronavirus death toll is ‘a substantial*
20 *undercount’ of actual tally, Yale study finds*, CNBC, July 1, 2020,
21 [https://www.cnbc.com/2020/07/01/official-us-coronavirus-death-toll-is-a-](https://www.cnbc.com/2020/07/01/official-us-coronavirus-death-toll-is-a-substantial-undercount-of-actual-tally-new-yale-study-finds.html)
22 [substantial-undercount-of-actual-tally-new-yale-study-finds.html](https://www.cnbc.com/2020/07/01/official-us-coronavirus-death-toll-is-a-substantial-undercount-of-actual-tally-new-yale-study-finds.html) (last visited
23 August 12, 2020); Apoorva Mandavilli, *Actual Coronavirus Infections Vastly*
Undercounted, C.D.C. Data Shows, New York Times, June 27, 2020 (updated
24 August 6, 2020), [https://www.nytimes.com/2020/06/27/health/coronavirus-](https://www.nytimes.com/2020/06/27/health/coronavirus-antibodies-asymptomatic.html)
25 [antibodies-asymptomatic.html](https://www.nytimes.com/2020/06/27/health/coronavirus-antibodies-asymptomatic.html) (last visited August 12, 2020).

26 ⁷ See Olga Khazan, *The 4 Key Reasons the U.S. Is So Behind on Coronavirus*
27 *Testing*, The Atlantic, March 13, 2020,
28 [https://www.theatlantic.com/health/archive/2020/03/why-coronavirus-testing-us-so-](https://www.theatlantic.com/health/archive/2020/03/why-coronavirus-testing-us-so-delayed/607954/)
29 [delayed/607954/](https://www.theatlantic.com/health/archive/2020/03/why-coronavirus-testing-us-so-delayed/607954/) (last visited August 12, 2020).

30 ⁸ Caroline Chen, Marshall Allen, Lexi Churchill, and Isaac Arnsdorf, *Key Missteps*
31 *at the CDC Have Set Back Its Ability to Detect the Potential Spread of*
32 *Coronavirus*, ProPublica, February 28, 2020,
33 <https://www.propublica.org/article/cdc-coronavirus-covid-19-test>.

1 57. Once testing became more widely available—though still not
2 accessible to all those in need—it was, and has remained, inaccurate. In particular,
3 experts warn of false negatives.⁹ For instance, one San Francisco resident who
4 traveled on Defendants’ ship the DIAMOND PRINCESS reported taking over a
5 dozen COVID-19 tests during a month-long period. The tests returned alternating
6 results of positive and negative.¹⁰

7 58. The concern that negative test results could not be trusted led experts
8 to advise those exposed to COVID-19 to quarantine for 14 days, *even if they tested*
9 *negative for the virus*. Indeed, as described in more detail below, Defendants and
10 the federal government required Plaintiffs in this case to participate in a two-week
11 quarantine on military bases, and advised that they should do so regardless of a
12 negative test.¹¹

13 59. Despite the likely drastic undercounting of case and death statistics,
14 the numbers make abundantly clear that COVID-19 spreads swiftly, and poses
15 grave risks to individuals exposed to it.

16 60. The means by which the virus spreads are varied, and not yet fully
17 known. Studies tend to show that the virus can be transmitted through person-to-
18 person contact¹², but also through air flow, and on surfaces.¹³ In particular, recent

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20 ⁹ Lisa M. Krieger, Coronavirus false tests results: With a push to screen come
21 questions of accuracy, *The Mercury News*, March 19, 2020,
22 [https://www.mercurynews.com/2020/03/19/coronavirus-false-test-results-with-the-
23 push-to-screen-come-questions-of-accuracy/](https://www.mercurynews.com/2020/03/19/coronavirus-false-test-results-with-the-push-to-screen-come-questions-of-accuracy/) (last visited August 12, 2020).

24 ¹⁰ *Id.*

25 ¹¹ *Id.*

26 ¹² Centers for Disease Control, How COVID-19 Spreads, Updated June 16, 2020,
27 [https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-
28 spreads.html](https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html) (last visited August 12, 2020).

¹³ *Id.*; see also Apoorva Mandavilli, *A Smoking Gun’: Infection Coronavirus Retrieved From Hospital Air*, August 11, 2020,
<https://www.nytimes.com/2020/08/11/health/coronavirus-aerosols-indoors.html>
(last visited August 12, 2020); Joshua L. Santarpia, et al., *Aerosol and surface contamination of SARS-CoV-2 observed in quarantine and isolation care*, *Nature Research Scientific Reports* (2020) 10:127732,

1 studies have indicated that spaces without poor or limited ventilation can cause
2 greater accumulation of the airborne virus because of the presence of aerosolized
3 droplets that can cause transmission.¹⁴

4 61. Likewise, the length of time that the virus can survive on surfaces
5 remains unclear. But at least one study indicates that items with repeated and/or
6 prolonged contact—such as a phone or television remote control—can carry the
7 virus. The same study also showed the virus present on surfaces, such as floors and
8 window sills, that were untouched by any patient, but which were in the stream of
9 air flow in the patient’s room.¹⁵ Another study suggests that transmission is possible
10 through shared elevator buttons.¹⁶

11 62. The virus has an incubation period believed to be approximately 14
12 days,¹⁷ but many of the ailments associated with COVID-19 persist for weeks and,
13 in some instances, months.¹⁸

14
15 <https://www.nature.com/articles/s41598-020-69286-3>

16 ¹⁴ Apoorva Mandavilli, *A Smoking Gun’: Infection Coronavirus Retrieved From*
Hospital Air, August 11, 2020,
17 <https://www.nytimes.com/2020/08/11/health/coronavirus-aerosols-indoors.html>
(last visited August 12, 2020)

18 ¹⁵ Joshua L. Santarpia, et al., *Aerosol and surface contamination of SARS-CoV-2*
observed in quarantine and isolation care, *Nature Research Scientific Reports*
19 (2020) 10:127732, <https://www.nature.com/articles/s41598-020-69286-3>

20 ¹⁶ Aylin Woodward, *As asymptomatic coronavirus carrier infected an apartment*
neighbor without sharing the same space. A study blames the building’s elevator
buttons., *Business Insider*, July 5, 2020,
21 [https://www.businessinsider.com/coronavirus-jumped-between-people-via-](https://www.businessinsider.com/coronavirus-jumped-between-people-via-elevator-surfaces-study-2020-7)
22 [elevator-surfaces-study-2020-7](https://www.businessinsider.com/coronavirus-jumped-between-people-via-elevator-surfaces-study-2020-7) (last visited August 12, 2020).

23 ¹⁷ Centers for Disease Control, *Interim Clinical Guidance for Management of*
Patients with Confirmed Coronavirus Disease (COVID-19), Updated June 30,
24 2020, [https://www.cdc.gov/coronavirus/2019-ncov/hcp/clinical-guidance-](https://www.cdc.gov/coronavirus/2019-ncov/hcp/clinical-guidance-management-patients.html)
25 [management-patients.html](https://www.cdc.gov/coronavirus/2019-ncov/hcp/clinical-guidance-management-patients.html) (last visited August 12, 2020).

26 ¹⁸ Mark W. Tenforde, et al., *Symptom Duration and Risk Factors for Delayed*
Return to Usual Health Among Outpatients with COVID-19 in a Multistate Health
Care Systems Network –United States, March-June 2020, *Morbidity and Mortality*
27 *Weekly Report*, July 31, 2020,
28 <https://www.cdc.gov/mmwr/volumes/69/wr/mm6930e1.htm> (last visited August 12,
2020).

1 63. The full extent and longevity of the virus’s effects on the human body
2 also remain unclear and—because of the virus’s novelty—largely unstudied. The
3 research that has been conducted suggests that exposure to and contraction of
4 COVID-19 leads to a wide range of medical outcomes, from a mild cough and/or
5 sore throat to sustained cardiac, kidney, liver, neurological, respiratory, and
6 circulatory damage.¹⁹ And, as shown by the statistics reported above, many patients
7 die as a result of contracting the virus.

8 64. COVID-19 is sometimes associated with symptoms such as: fever,
9 cough, shortness of breath, body and muscle aches, and loss of taste and smell. The
10 virus manifests differently, however, in different patients, striking some with brutal
11 swiftness and others with more mild symptoms. Some people who contract the
12 virus have a fever; others do not. Some suffer from extreme fatigue; others do not.
13 Some report having a sore throat; others do not.²⁰ Some COVID patients never
14 display any of these “typical” symptoms and instead experience COVID-19 as more
15 of a stomach virus, experiencing diarrhea and/or vomiting. Others never experience
16 gastro-intestinal distress. Still, some people test positive for the virus while
17 appearing to be entirely asymptomatic, with no symptoms whatsoever,²¹ or only
18 later develop effects from the virus.

19 65. The multiple presentations of the disease made it difficult for a patient
20 to immediately attribute their symptoms to COVID-19, especially in the early days
21 of the pandemic, before the general public and treating physicians became more
22 informed as to how the myriad manifestations of the disease.

23 _____
24 ¹⁹ Tara Parker-Pope, *The Many Symptoms of Covid-19*, The New York Times,
25 August 5, 2020, <https://www.nytimes.com/2020/08/05/well/live/coronavirus-covid-symptoms.html> (last visited August 12, 2020).

26 ²⁰ Centers for Disease Control, *Interim Clinical Guidance for Management of*
27 *Patients with Confirmed Coronavirus Disease (COVID-19)*, Updated June 30,
28 2020, <https://www.cdc.gov/coronavirus/2019-ncov/hcp/clinical-guidance-management-patients.html> (last visited August 12, 2020).

²¹ *Id.*

1 66. In addition to—and sometimes separate from—the symptoms
2 described above, the virus can also wreak havoc on patients’ organs. COVID-19
3 can cause heart and liver failure, kidney damage, neurological deficits, and blood
4 clots that can lead to severe and/or multiple strokes and limb amputation.²²

5 67. Research thus far has shown that patients who are believed to have
6 “recovered” from COVID-19 continue to suffer life-altering and potentially life-
7 threatening health problems.²³ For instance, one study found that at approximately
8 71 days after a positive COVID-19 test, irrespective of the severity of the patient’s
9 symptoms, the time of the original diagnosis, and any pre-existing conditions, 60%
10 of patients evaluated showed signs of “ongoing myocardial inflammation.” The
11 same study discovered that 78% of patients demonstrated “cardiac involvement”—
12 that is, these patients had abnormal cardiac readings associated with bad outcomes
13 for cardio-myopathies.²⁴

14 68. Additionally, some patients who initially experience only mild
15 symptoms (or no symptoms) later suffer catastrophic damage, such as stroke,²⁵
16 severe blood clots,²⁶ and/or cardiac inflammation like that described above.

17 _____
18 ²² Lenny Bernstein, Carolyn Y. Johnson, Sarah Kaplan and Laurie McGinley.
19 *Coronavirus destroys lungs. But doctors are finding its damage in kidneys, hearts,*
20 *and elsewhere.* The Washington Post. April 15, 2020.

21 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).

22 ²³ *See, e.g.,* Diana Lindner, et al., Association of Cardiac Infection With SARS-
23 CoV-2 in Confirmed COVID-19 Autopsy Cases, JAMA Cardiology, July 27,
2020, <https://jamanetwork.com/journals/jamacardiology/fullarticle/2768914>
(finding “virus progeny” in the heart of autopsied COVID-19 patients).

24 ²⁴ Valentina O. Puntmann, et al., Outcomes of Cardiovascular Magnetic Resonance
25 Imaging in Patients Recently Recovered From Coronavirus Disease 2019 (COVID-
26 19), JAMA Cardiology, July 27, 2020,
<https://jamanetwork.com/journals/jamacardiology/fullarticle/2768916> (last visited
27 August 12, 2020).

28 ²⁵ Ariana Eunjung Cha, *Young and middle-aged people, barely sick with covid-19*
are dying of strokes, The Washington Post, April 25, 2020,
<https://www.washingtonpost.com/health/2020/04/24/strokes-coronavirus-young-patients/> (last visited August 12, 2020).

1 69. And some people contract and carry the virus without manifesting or
2 experiencing any initial symptoms. Researchers have reported that even these
3 “asymptomatic” patients may in fact suffer long-term and/or later-manifesting
4 harms, such as severe cardiac damage including myocarditis and arrhythmias.²⁷

5 70. Such occurrences were described by Dr. Jon Drezner, Director of the
6 University of Washington Medicine Center for Sports Cardiology in Seattle, team
7 physician for the Seattle Seahawks, Seattle Reign, and University of Washington
8 Huskies, and advisor to the NCAA on cardiac issues, on an August 11, 2020 CNN
9 broadcast. Drezner explained that “early on in the pandemic we learned that
10 COVID-19 can affect the heart. And about one in four hospitalized have heart
11 injury and raised a lot of questions and concerns about patients who weren’t in the
12 hospital.” He continued by posing the question: “Would patients who have mild
13 symptoms or no symptoms have heart injury?” and further explained that, “More
14 recently we’ve been learning that some college and professional athletes are
15 inflicted with myocarditis (inflammation of the heart which can trigger arrhythmia
16 or cardiac arrest) from COVID-19.”

17 71. Dr. Drezner confirmed that this potentially long-term damage can
18 afflict someone who was asymptomatic or who experienced only a mild case of
19 COVID-19 that did not require hospitalization. He said: “We are learning that
20 some athletes who really had no symptoms and go through subsequent testing are
21 being diagnosed with myocarditis[,]” which is, in his words: “inflammation of the
22
23
24

25 ²⁶ Tara Parker-Pope, *The Many Symptoms of Covid-19*, *The New York Times*,
26 August 5, 2020, <https://www.nytimes.com/2020/08/05/well/live/coronavirus-covid-symptoms.html> (last visited August 12, 2020).

27 ²⁷ Carolyn Barner, *COVID-19 Can Wreck Your Heart, Even if You Haven’t Had*
28 *Any Symptoms*, *Scientific American*, August 31, 2020,
<https://www.scientificamerican.com/article/covid-19-can-wreck-your-heart-even-if-you-havent-had-any-symptoms> (last visited September 30, 2020).

1 heart muscle and it can lead to scar tissue in the heart. And that scar tissue can be a
2 focus for arrhythmia or even sudden cardiac arrest.”²⁸

3 72. Likewise, a study that considers, among other things, the lingering
4 impact of the virus on those with mild symptoms is currently underway at the
5 University of California, San Francisco. Among the study’s findings is that children
6 exposed to “adult relatives with flu-like symptoms” developed signs of Kawasaki
7 disease, including lesions on their feet and hands, *weeks or months* after that
8 exposure.²⁹

9 73. Together, the multiple presentations of the virus, range of severity of
10 symptoms—from asymptomatic to severe—the unavailability and inaccuracy of
11 testing, along with the limited research about COVID-19 make it plausible that a
12 person directly exposed to the virus, particularly for prolonged periods of time, like
13 the passengers on the M/V GRAND PRINCESS, will suffer long-lasting, and
14 potentially life-altering or fatal health effects.

15 74. As a result and a proximate cause of Defendants PRINCESS and
16 CARNIVAL exposing Plaintiffs to COVID-19 aboard the M/V GRAND
17 PRINCESS, as described in more detail below, and because of the nature of the
18 virus and its long-term health effects, Plaintiffs will require medical monitoring and
19 diagnostic examinations into the future. This monitoring is required to diagnose,
20 prevent, and/or treat current or future injury related to Plaintiffs’ and Class
21 members’ exposure to, contraction of, illness and disease related to, asymptomatic
22 contraction of, and potential contraction of COVID-19, in light of the evolving
23

24 ²⁸ Interview on CNN Anderson Cooper 360 August 11, 2020, transcript available
25 at: <http://transcripts.cnn.com/TRANSCRIPTS/2008/11/cnr.10.html>

26 ²⁹ Peter Fimrite, *Long after the illness is gone, damage from coronavirus may*
27 *remain*, San Francisco Chronicle, May 31, 2020,
28 [https://www.sfchronicle.com/health/article/Long-after-the-illness-is-gone-the-damage-from-15305842.php?utm_campaign=CMS%20Sharing%20Tools%20\(Premium\)&utm_source=share-by-email&utm_medium=email](https://www.sfchronicle.com/health/article/Long-after-the-illness-is-gone-the-damage-from-15305842.php?utm_campaign=CMS%20Sharing%20Tools%20(Premium)&utm_source=share-by-email&utm_medium=email) (last visited August 13, 2020)

1 scientific understanding of the full risk and scope of health outcomes related to
2 and/or resulting from the virus.

3 **II. Carnival and Princess Knew or Should Have Known the Risks of Viral**
4 **Contagion Aboard Their Cruise Ships.**

5 75. In early February 2020, experts in the European Union, led by
6 epidemiologist Dr. Christou Hadjichristodoulou, released specific guidelines for the
7 cruise industry that included an outline of the risk of COVID-19 outbreaks aboard
8 cruise ships and recommended response protocols.³⁰ Specifically, the guidelines
9 directed that, in the event of a COVID-19 case, “close contacts” of the individuals
10 believed to have COVID-19 should be quarantined in their cabin or on shore, and
11 “casual contacts” should be disembarked from the ship.³¹

12 76. On February 12, 2020, the CDC issued guidance for ships on
13 managing COVID-19.³² The guidance noted that commercial shipping, including
14 cruise ships, “involves the movement of large numbers of people in closed and
15 semi-closed settings. Like other close-contact environments, ships may facilitate
16 transmission of respiratory viruses from person to person through exposure to
17 respiratory droplets or contact with contaminated surfaces.” The guidance

18
19 ³⁰ Interim Advice for Preparedness and Response to Cases of Acute Respiratory
20 Disease at Points of Entry in the European Union (EU) / EEA Member States (MS):
21 Advice for ship operators for preparedness and response to the outbreak of 2019-
22 nCoV acute respiratory disease, Feb. 3, 2020,
23 [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*
24 Matt Apuzzo, Motoko Rich and David Yaffe-Bellany, *Failures on Diamond
Princess Shadow Another Cruise Ship Outbreak*, The New York Times, March 8,
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).

25 ³¹ Healthy GateWays, Algorithm for decision making in response to an event of a
26 suspect case of COVID-19,
27 <https://www.nytimes.com/2020/03/08/world/asia/coronavirus-cruise-ship.html> (last
visited April 6, 2020).

28 ³² Interim Guidance for Ships on Managing 2019 Novel Coronavirus, Feb. 12, 2020
(updated Feb. 15), [https://www.cdc.gov/quarantine/maritime/recommendations-for-
ships.html](https://www.cdc.gov/quarantine/maritime/recommendations-for-ships.html) (last visited Sept. 30, 2019).

1 recommended “[i]dentifying and isolating passengers and crew with possible
2 symptoms of COVID-19 as soon as possible.” It also recommended that
3 “[p]assengers and crew members who have had high-risk exposures to a person
4 suspected of having COVID-19 should be quarantined in their cabins.”

5 77. In or before early February 2020, Defendants became aware of an
6 outbreak of COVID-19 aboard the cruise ship the DIAMOND PRINCESS, which is
7 owned and/or operated by CARNIVAL and PRINCESS. The outbreak originated
8 on the DIAMOND PRINCESS while the vessel was docked in Yokohama, Japan.
9 Ten cases were originally diagnosed, and that number rapidly escalated to over 700
10 cases—over one-fifth of the passengers and crew members onboard the ship at the
11 time. Investigative reporting about the DIAMOND PRINCESS revealed that well
12 after CARNIVAL and PRINCESS became aware of the first case aboard the ship,
13 Defendants worked to “keep the fun going” by “encouraging [guests] to mingle.”³³

14 78. To date, at least 14 of the DIAMOND PRINCESS’s passengers have
15 died as a result of COVID-19.³⁴ At least two of these fatalities occurred before
16 February 19, 2020.³⁵

17 79. In a February 18, 2020, update issued in response to the crisis aboard
18 the DIAMOND PRINCESS, the CDC stated that “the rate of new reports of
19 positives [now] on board, especially among those without symptoms, highlights the
20 high burden of infection on the ship and potential for ongoing risk.”³⁶

21 _____
22 ³³ Austin Carr and Chris Palmieri, *Socially Distance This: Carnival Executives*
23 *Knew They Had a Virus Problem, But Kept the Party Going*, Bloomberg, April 16,
24 2020, <https://www.bloomberg.com/features/2020-carnival-cruise-coronavirus/> (last
25 visited April 20, 2020).

24 ³⁴ Lauren Smiley, *27 Days in Tokyo Bay: What Happened on the Diamond*
25 *Princess*, Wired, May 13, 2020, [https://www.wired.com/story/diamond-princess-](https://www.wired.com/story/diamond-princess-coronavirus-covid-19-tokyo-bay/)
26 [coronavirus-covid-19-tokyo-bay/](https://www.wired.com/story/diamond-princess-coronavirus-covid-19-tokyo-bay/).

26 ³⁵ See The New York Times, *Japan Reports 2 Deaths Among Cruise Ship*
27 *Passengers*, Feb. 19, 2020, [https://www.nytimes.com/2020/02/19/world/asia/china-](https://www.nytimes.com/2020/02/19/world/asia/china-coronavirus.html)
28 [coronavirus.html](https://www.nytimes.com/2020/02/19/world/asia/china-coronavirus.html) (last visited April 6, 2020).

28 ³⁶ See Centers for Disease Control and Prevention, *Update on the Diamond Princess*
Cruise Ship in Japan, Feb. 18, 2020,

1 80. Upon information and belief, in February 2020, CARNIVAL and
2 PRINCESS also operated a voyage on the RUBY PRINCESS, from New Zealand
3 to Australia. News reports suggest that in mid-to-late February, Defendants became
4 aware of COVID-19 cases onboard the RUBY PRINCESS. Despite this
5 information, CARNIVAL operated a second voyage on the RUBY PRINCESS,
6 immediately following the New Zealand-to-Australia voyage. Since the vessel
7 docked in Australia on March 19, 2020, over 600 passengers who were on the
8 RUBY PRINCESS have tested positive for the virus and 10 have died. Australian
9 authorities have announced a criminal investigation into the matter.

10 81. To date, cruises run by CARNIVAL and PRINCESS have been
11 identified as responsible for more than 1,600 positive COVID-19 infections, and
12 over 50 deaths.

13 **III. Carnival Undertook an Independent Duty of Care Toward Plaintiffs**

14 82. Through its public statements and conduct, Defendant CARNIVAL
15 specifically undertook a duty to maintain a safe environment aboard the cruise ships
16 in its fleet, including the M/V GRAND PRINCESS.

17 83. For instance, CARNIVAL represented to its customers and the general
18 public that it had a commitment to “[p]rotecting the health, safety and security of
19 our passengers, guests, employees and all others working on our behalf, thereby
20 promoting an organization that always strives to be free of injuries, illness and
21 loss. ... [and] assigning health, environment, safety, security (HESS) and
22 sustainability matters the same priority as other critical business matters.”³⁷ They
23
24

25 <https://www.cdc.gov/media/releases/2020/s0218-update-diamond-princess.html>
(last visited April 6, 2020).

26 ³⁷ Carnival Health, Environment, Safety, Security & Sustainability Policy &
27 Governance, Carnival Health, Environment, Safety, Security & Sustainability
28 Policy & Governance, <https://www.carnivalcorp.com/leading-responsibly/health-environment-safety-security-sustainability-policy-governance/> (last visited April 7, 2020).

1 further assert that they “[s]upport a proactive framework of risk mitigation in the
2 areas of HESS aimed at preventing, monitoring and responding to threats.”³⁸

3 84. CARNIVAL promulgated HESS policies for all of its cruise line
4 brands, including PRINCESS. CARNIVAL’s HESS Corporate Policy, which is
5 available to the public on CARNIVAL’s website, states that CARNIVAL will
6 “ensure compliance with this [HESS] policy within each of Carnival’s Corporate
7 and Operating Line organizations.”³⁹

8 85. CARNIVAL knew, as explained in an article co-authored by its own
9 Chief Medical Officer, Dr. Grant Tarling, that cruise ships “represent a potential
10 source for introduction of novel or antigenically drifted influenza virus strains to
11 the United States” and that cruise ship characteristics, such as “close quarters and
12 prolonged contact among travelers on ships and during land-based tours before
13 embarkation, increase the risk of communicable disease transmission.”⁴⁰

14 86. The 2016 federal plea agreement noted that CARNIVAL “currently
15 monitors and supervises environmental, safety, security, and regulatory
16 requirements for Princess and other Carnival brands.” Prior to the government
17 investigation that led to the plea agreement, CARNIVAL had “undertaken steps to
18 strengthen and enhance its oversight and compliance structure.” For example, “the
19 company initiated structural changes within its management organization, primary
20 among which was the creation of a position titled ‘Chief Maritime Officer,’ placing
21 the responsibility for overall environmental, safety, and security compliance in one
22 individual”

23
24
25 ³⁸ Carnival Corporation & PLC Health, Environmental, Safety, Security, and
26 Sustainability Corporate Policy, [https://www.carnivalcorp.com/static-](https://www.carnivalcorp.com/static-files/0b8327aa-c3be-4022-a1a5-a6dad7123af7)
27 files/0b8327aa-c3be-4022-a1a5-a6dad7123af7 (last visited September 30, , 2020).

28 ³⁹ *Id.*

⁴⁰ Kimberly B. Rogers, MPH, Shahrokh Roohi, MPH, Timothy M. Uyeki, MD, *et al.*, *Laboratory-based respiratory virus surveillance pilot project on select cruise ships in Alaska, 2013-2015*, *Journal of Travel Medicine* 2017, 1-6, at 2 (2017).

1 87. Given these assurances and representations, CARNIVAL undertook an
2 independent duty to abide by its commitments and to protect passengers on all of its
3 cruise lines, including PRINCESS, from reasonably-avoidable hazards, such as
4 exposing passengers for a prolonged period of time on a ship known to be infested
5 with a potentially-lethal virus.

6 **IV. PRINCESS was an Apparent Agent of CARNIVAL**

7 88. CARNIVAL represented to the public that PRINCESS was its agent,
8 causing passengers to justifiably rely upon the care and skill of PRINCESS to
9 maintain a safe environment aboard the M/V GRAND PRINCESS.

10 89. On its website, CARNIVAL prominently displays the PRINCESS
11 name and logo, describing PRINCESS as part of its “family” of cruise line brands.
12 CARNIVAL’s website states that potential customers “need look no further than
13 the Carnival family when selecting a cruise vacation.”

14 90. CARNIVAL promulgated HESS policies for all of its cruise line
15 brands, including PRINCESS. CARNIVAL’s HESS Corporate Policy, which is
16 available to the public on CARNIVAL’s website, states that CARNIVAL will
17 “ensure compliance with this [HESS] policy *within each of Carnival’s Corporate*
18 *and Operating Line organizations.*”⁴¹

19 91. The web page on which CARNIVAL publicizes its HESS policy
20 specifically identifies PRINCESS as a part of CARNIVAL CORPORATION and
21 CARNIVAL PLC, representing that the policy applies to the subsidiary as well as
22 the parent.

23 **V. What Makes Cruise Ships Different From Other Businesses**

24 92. In some material respects, in the context of COVID-19 claims,
25 common carriers like cruise ships undertaking custodial, long-haul, open-water

26 _____
27 ⁴¹ Carnival Corporation & PLC Health, Environmental, Safety, Security, and
28 Sustainability Corporate Policy, [https://www.carnivalcorp.com/static-
files/0b8327aa-c3be-4022-a1a5-a6dad7123af7](https://www.carnivalcorp.com/static-files/0b8327aa-c3be-4022-a1a5-a6dad7123af7) (last visited September 30, 2020)
(emphasis added).

1 voyages present heightened risks to passengers that differ from other land-based
2 businesses. With these heightened risks, as factual and legal matters, come
3 additional attendant obligations on the owners and operators of cruise ships.

4 93. As Defendants knew, cruise ships are particularly susceptible to rapid
5 viral contagion because—unlike other businesses, such as restaurants, retail shops,
6 and other consumer-facing businesses—after embarkation, passengers are
7 effectively trapped onboard. PRINCESS and CARNIVAL had a custodial role over
8 their passengers, who had no option for safe and fast exit while the vessel remained
9 at sea.

10 94. Cruise ships like M/V GRAND PRINCESS have a high population
11 density, and the population is characterized by “relatively homogenous mixing”—
12 meaning, there are a lot of people onboard, and they are all interacting with one
13 another.⁴²

14 95. CARNIVAL and PRINCESS were and are well-aware of the fact that
15 their crew members interact closely with passengers and often travel on multiple
16 trips back-to-back, putting crew members into close contact with thousands of
17 passengers in short periods of time. What’s more, these crew members and the
18 ship’s passengers share a number of confined, public spaces—such as elevators and
19 public restrooms—and interact with a myriad of shared, and frequently-touched
20 surfaces, including but certainly not limited to the utensils used to serve food on
21 buffet lines, elevator buttons, hand railings, chairs, cards and other game pieces,
22 and door handles. The frequency with which individuals touch these surfaces along
23 with the sheer number of people who come into contact with them in a limited
24

25
26 ⁴² J. Rocklov and H. Sjodin, COVID-19 outbreak on the Diamond Princess cruise
27 ship: estimating the epidemic potential and effectiveness of public health
28 countermeasures, *Journal of Travel Medicine*, Published February 28, 2020,
<https://academic.oup.com/jtm/article/27/3/taaa030/5766334> (last visited August 12,
2020).

1 period of time make cruise ships uniquely dangerous for the spread of viruses,
2 including COVID-19.

3 96. CARNIVAL and PRINCESS also understood, based on their years of
4 specific experience operating cruise ships, the limited air flow and low ventilation
5 in the interior of cruise ships, and they knew that these conditions make airborne
6 viruses all the more hazardous on board a ship, particularly where passengers are
7 exposed for a lengthy period of time during a long-haul, open-water voyage.

8 97. Years before the COVID-19 outbreaks aboard the DIAMOND
9 PRINCESS, RUBY PRINCESS, and M/V GRAND PRINCESS, CARNIVAL and
10 PRINCESS's own Group Senior Vice President and Chief Medical Officer Grant
11 Tarling, M.D., M.P.H. co-authored an article that acknowledged that cruise ships
12 "represent a potential source for introduction of novel or antigenically drifted
13 influenza virus strains to the United States" and that cruise ship characteristics, such
14 as "close quarters and prolonged contact among travelers on ships and during land-
15 based tours before embarkation, increase the risk of communicable disease
16 transmission."⁴³

17 98. A study published on February 28, 2020, echoed Dr. Tarling's
18 findings, and highlights the unique conditions of cruise ships that "amplified" the
19 spread of COVID-19 among those onboard the Diamond Princess.⁴⁴ The study also
20 revealed that extended periods of time on the ship without quarantine increased the
21 spread of the virus.

24 ⁴³ Kimberly B. Rogers, MPH, Shahrokh Roohi, MPH, Timothy M. Uyeki, MD, *et*
25 *al.*, *Laboratory-based respiratory virus surveillance pilot project on select cruise*
ships in Alaska, 2013-2015, *Journal of Travel Medicine* 2017, 1-6, at 2 (2017).

26 ⁴⁴ J. Rocklov and H. Sjodin, *COVID-19 outbreak on the Diamond Princess cruise*
27 *ship: estimating the epidemic potential and effectiveness of public health*
countermeasures, *Journal of Travel Medicine*, Published February 28, 2020,
28 <https://academic.oup.com/jtm/article/27/3/taaa030/5766334> (last visited August 12,
2020).

1 99. The combination of the aforementioned factors, among other factors,
2 makes cruise ships distinctly susceptible to rapidly and pervasively spreading
3 pathogens in ways that differ from most other businesses, which was well-known to
4 Defendants.

5 **VI. The February 11, 2020 M/V GRAND PRINCESS Cruise to Mexico**

6 100. Despite their awareness of the unique risks created by the cruise ship
7 environment, and their experiences with COVID-19 outbreaks on other vessels, on
8 February 11, 2020, Defendants operated a roundtrip voyage from San Francisco to
9 Mexico aboard the M/V GRAND PRINCESS. On or around February 19, 2020,
10 Defendants became aware of at least one passenger suffering from COVID-19
11 symptoms onboard the M/V GRAND PRINCESS.

12 101. According to PRINCESS's and CARNIVAL's Chief Medical Officer,
13 Grant Tarling, MD, MPH, Defendants believed the infected passenger was already
14 carrying the virus when he boarded the M/V GRAND PRINCESS on February 11,
15 2020.⁴⁵ Despite their knowledge regarding COVID-19, Defendants had no effective
16 passenger medical screening methods in place at the time of boarding.

17 102. Dr. Tarling reported that the infected passenger sought medical
18 treatment from the medical center onboard the M/V GRAND PRINCESS on
19 February 20, 2020. The passenger reported suffering from "acute respiratory
20 distress" for about a week before seeking treatment. Upon information and belief,
21 this information would have triggered mandatory reporting under 42 C.F.R. 71.1, *et*
22 *seq.* and constitutes a "hazardous condition" per 33 C.F.R. § 160.216.⁴⁶

23 _____
24 ⁴⁵ Thomas Fuller, John Eligon, and Jenny Gross, *Cruise Ship, Floating Symbol of*
25 *America's Fear of Coronavirus, Docks in Oakland*, The New York Times, March
26 9, 2020, [https://www.nytimes.com/2020/03/09/us/coronavirus-cruise-ship-oakland-](https://www.nytimes.com/2020/03/09/us/coronavirus-cruise-ship-oakland-grand-princess.html)
27 [grand-princess.html](https://www.nytimes.com/2020/03/09/us/coronavirus-cruise-ship-oakland-grand-princess.html) (last visited April 7, 2020).

28 ⁴⁶ Section 160.216 requires that "[w]henver there is a hazardous condition ... on
board a vessel or caused by a vessel or its operation, the owner, agent, master,
operator, or person in charge must immediately notify the nearest Coast Guard
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,

1 103. Upon information and belief, at least three other passengers on the
2 M/V GRAND PRINCESS's Mexico trip suffered from COVID-19 symptoms while
3 on the vessel, likely exposing dozens of other passengers to the virus. At least 100
4 passengers who traveled on board the M/V GRAND PRINCESS have tested
5 positive for COVID-19, and two passengers who traveled on the M/V GRAND
6 PRINCESS's Mexico trip died after disembarking. One of these fatalities was the
7 first-reported death caused by COVID-19 in California.⁴⁷

8 104. On February 21, 2020, the M/V GRAND PRINCESS arrived at port in
9 San Francisco and some of the passengers from the Mexico trip disembarked.

10 105. Approximately sixty-two passengers, at least two of whom were ill,
11 and over 1,000 crew members remained onboard the M/V GRAND PRINCESS to
12 continue traveling on the ship's next voyage, to Hawaii. Defendants did not
13 implement any effective COVID-19 medical screening or examination procedures
14 for crew or passengers who remained onboard and were continuing on for the
15 Hawaii voyage.

16 106. Defendants did not initiate effective measures to sanitize or disinfect
17 the vessel in-between voyages, and did not implement any procedures for screening
18 or testing existing or new passengers boarding the ship for the Hawaii-bound
19 voyage.

20
21 harbor, or navigable waterway of the United States. It may, but need not,
22 involve ... *injury or illness of a person aboard*" 33 CFR § 160.202 (emphasis
added).

23 ⁴⁷ 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 the
26 M/V GRAND PRINCESS's February 11, 2020 cruise to Mexico spurred the state's
27 initial stay-at-home orders. *See* Placer County Announces Death of Patient with
28 COVID-19, March 4, 2020, <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-shots/2020/03/04/812121540/coronavirus-los-angeles-declares-emergency-and-u-s-reports-80-cases-in-13-states> (last visited May 19, 2020).

1 107. Defendants did not notify passengers who were scheduled to board the
2 vessel on February 21, 2020, that passengers from the prior Mexico trip had
3 reported COVID-19 symptoms, or of the fact that passengers remaining on board
4 the M/V GRAND PRINCESS had been exposed to and might be infected with
5 and/or carrying the virus. With the known likely presence of the virus in passengers
6 and crew members who remained on the ship, the ship never should have sailed on
7 to Hawaii.

8 **VII. The February 21, 2020 M/V GRAND PRINCESS Voyage to Hawaii**

9 108. On February 21, 2020, Plaintiffs embarked onto the M/V GRAND
10 PRINCESS, and the ship departed the same day. The vessel sailed to Hawaii and
11 made multiple stops on the Hawaiian Islands.

12 109. Although PRINCESS and CARNIVAL had assured passengers that
13 the trip would be safe and that PRINCESS and CARNIVAL would take measures,
14 such as requiring temperature checks for those boarding the ship, in order prevent
15 the presence of COVID-19 on the M/V GRAND PRINCESS, Defendants instituted
16 no such effective measures. Plaintiffs and other passengers were not asked to check
17 their temperatures, and were not subject to any medical screening upon boarding
18 the ship other than a questionnaire that asked them if they had felt ill or recently
19 traveled to China.

20 110. On information and belief, on or about February 25, 2020, while
21 Plaintiffs were in the midst of the Hawaii trip aboard the M/V GRAND
22 PRINCESS, CARNIVAL and PRINCESS sent emails to passengers who
23 disembarked from the San Francisco-to-Mexico trip on February 21, 2020. The
24 email alerted the earlier passengers about their potential exposure to COVID-19
25 during their time on the cruise. No such notice was effectively provided to
26 passengers who were onboard the ship on February 25, 2020.

27 111. On February 29, 2020, the vessel left Hawaii.
28

1 112. Upon information and belief, increased sanitary precautions did not
2 begin onboard the M/V GRAND PRINCESS until on or about March 3, 2020.

3 113. CARNIVAL and PRINCESS did not inform the passengers on board
4 the M/V GRAND PRINCESS of COVID-19 cases in passengers who traveled on
5 the ship's Mexico trip until March 4, 2020, when, early in the morning, the
6 Plaintiffs and other members of the proposed Class received a health advisory. The
7 advisory explained that the ship would no longer be traveling to Ensenada, Mexico,
8 as originally scheduled. It would instead return directly to San Francisco. Further,
9 the advisory alerted passengers to the investigation of a "small cluster of COVID-
10 19 cases in Northern California connected to" the M/V GRAND PRINCESS's
11 Mexico trip, and informed passengers of their potential exposure to the virus.

12 114. Additionally, the advisory asserted that COVID-19 causes "mild
13 illness in about 80% of cases," and that only "[a]bout 20% of people develop more
14 severe symptoms."

15 115. The March 4, 2020 health advisory suggested that passengers traveling
16 on the Hawaii trip had already reported suffering from COVID-19 symptoms, and
17 instructed other passengers who were experiencing or had at any time during the
18 trip experienced symptoms "of acute respiratory illness with fever chills or cough"
19 to immediately contact the ship's Medical Center. Finally, the advisory
20 recommended that passengers wash their hands, use hand sanitizer, avoid contact
21 with those suffering from respiratory illness, cover their noses and mouths when
22 coughing and sneezing, and avoid touching their eyes and face. It did not make any
23 recommendations for quarantine or social distancing measures. Nor did it call for
24 passengers to wear masks.

25 116. The March 4th health advisory was signed by Grant Tarling, MD,
26 MPH , the Group Senior Vice President and Chief Medical Officer for PRINCESS
27 and other CARNIVAL subsidiaries.
28

1 117. Upon information and belief, individuals who had continued on to
2 Hawaii from the prior leg of the cruise to and from Mexico began cabin-based
3 quarantine for the first time on or around March 4, 2020. At that time, Defendants
4 cancelled only large public gatherings, and continued hosting other events
5 identified in the daily newsletter, the “Princess Patter,” including Formal Night and
6 its associated dinner.

7 118. On information and belief, other CARNIVAL-owned cruise
8 companies operated in a similar manner upon discovering that one or more of their
9 passengers or crew members had exhibited COVID-19 symptoms. On the M/V
10 DIAMOND PRINCESS, guests were encouraged to “mingle.” And, on the M/S
11 ZAANDAM (operated by Carnival subsidiary Holland America), after crew
12 members and passengers reported suffering from COVID-19 symptoms, the ship’s
13 operators not only continued hosting large-scale events, but also instituted
14 *additional* group activities to keep passengers occupied.

15 119. Taken together, all the foregoing suggests a fact that can be confirmed
16 and further developed through discovery: that CARNIVAL directed the manner in
17 which its subsidiaries, including PRINCESS, responded to COVID-19 outbreaks.

18 120. Spurred by the COVID-19 outbreak on the M/V GRAND PRINCESS
19 and the death of a passenger who had been on the Mexico trip, Governor Gavin
20 Newsom declared a state of emergency in California on March 4, 2020, to manage
21 the COVID-19 outbreak. As a result, the State of California refused to allow the
22 vessel into port in San Francisco, forcing the vessel to anchor off the city’s coast.
23 Governor Newsom stated at a press conference that there were 11 passengers and
24 10 crew members on the ship who were experiencing symptoms.

25 121. On or about Thursday, March 5, 2020, two weeks after the ship sailed
26 from San Francisco harbor, Defendants instituted more operational changes,
27 including cabin/state room quarantine, meal service to the cabins/state rooms by
28

1 placing trays in the hallway outside cabin doors, and cessation of daily turndown
2 service and all communal activities.

3 122. On or about March 7, 2020, Defendants announced through the ship's
4 public address system that they had evacuated a critically-ill passenger by ship's
5 tender and a U.S. Coast Guard cutter.

6 123. On or about March 9, 2020, the ship was allowed to sail into and
7 arrived in the San Francisco Bay escorted by the U.S. Coast Guard. The ship
8 docked in the Port of Oakland and was met by ambulances and medical personnel.
9 During the night, a CDC employee, in full hazmat gear, knocked on some cabin
10 doors asking passengers if they had any symptoms.

11 124. On or about March 10, 2020, passengers, including Plaintiffs, were
12 finally allowed to disembark. Most passengers were shuttled to Travis Air Force
13 Base in Solano County, California for further quarantine. Others were transported
14 to Asilomar State Beach and Conference Grounds in Pacific Grove, or to other
15 military bases, including Mira Mar in San Diego and Dobbins Air Force Base, in
16 Georgia.

17 125. A report from the CDC about the COVID-19 outbreak about the M/V
18 GRAND PRINCESS found that "crew members were likely infected on voyage A
19 and then transmitted [the virus] to passengers on voyage B" and that the ship "was
20 an example of perpetuation of transmission from crew members across multiple
21 consecutive voyages and the potential introduction of the virus to passengers and
22 crew on other ships."⁴⁸

23 126. At the time of this filing, Defendant PRINCESS has cancelled future
24 cruises embarking from San Francisco through May 14, 2021. However,

25
26 ⁴⁸ L. Moriarty, et al., Public Health Responses to COVID-19 Outbreaks on Cruise
27 Ships — Worldwide, February–March 2020, 69 Morbidity and Mortality Weekly
28 Report 1, 1 (Mar. 23, 2020),
<https://www.cdc.gov/mmwr/volumes/69/wr/pdfs/mm6912e3-H.pdf> (last visited
Sept. 30, 2020).

1 PRINCESS’s website indicates that it intends to resume operating certain cruise
2 ships soon thereafter, potentially posing grave threats to their passengers, crew
3 members, and the public health.⁴⁹

4 127. If Plaintiffs had known that they would be exposed to COVID-19, face
5 the serious and actual risks of contracting or spreading COVID-19, and actually
6 contract and suffer from COVID-19, while onboard the M/V GRAND PRINCESS,
7 because, among other things, passengers from the M/V GRAND PRINCESS’s San
8 Francisco-to-Mexico trip had suffered from COVID-19 and / or that passengers
9 exposed to COVID-19 on the Mexico trip remained onboard the M/V GRAND
10 PRINCESS, Plaintiffs would not have sailed on the February 21, 2020, roundtrip
11 voyage to Hawaii.

12 **VIII. THE CDC’S DEFINITION OF A “PROBABLE CASE”**

13 128. In an April 5, 2020 position statement, the CDC and the Council of
14 State and Territorial Epidemiologists (“CSTE”) provided an “interim case
15 definition” for COVID-19 for the purposes of counting and tracking “probable” and
16 “confirmed” COVID-19 cases in the United States.⁵⁰

17 129. The interim definition provided three alternative clinical measures for
18 evaluating a patient.

19 130. First, a case meets the clinical criteria if there is no alternative more
20 likely diagnosis and at least two of the following symptoms are present: fever
21 (measured or subjective), chills, rigors, myalgia, headache, sore throat, or new
22 olfactory and taste disorder(s).

23
24 ⁴⁹ See Princess Cruises Extends Pause of Guest Cruise Vacations Through May 14,
25 2021, https://www.princess.com/news/news_releases/2021/01/princess-cruises-extends-pause-of-guest-cruise-vacations-through-may-14-2021.html (last visited
26 February 9, 2021).

27 ⁵⁰ Centers for Disease Control and Prevention, Coronavirus Disease 2019 (COVID-
28 19) 2020 Interim Case Definition, Approved April 5, 2020, <https://wwwn.cdc.gov/nndss/conditions/coronavirus-disease-2019-covid-19/case-definition/2020/> (last visited August 14, 2020).

1 131. Second, a case meets the clinical criteria if there is no alternative more
2 likely diagnosis and at least one of the following symptoms are present: cough,
3 shortness of breath, or difficulty breathing.

4 132. Third, a case meets the clinical criteria if there is no alternative more
5 likely diagnosis and a patient suffers from severe respiratory illness with at least
6 one of either clinical or radiographic evidence of pneumonia or acute respiratory
7 distress syndrome.

8 133. The interim definition also provided that a case meets the laboratory
9 criteria if there are positive results returned from a diagnostic test, an antigen test,
10 or an antibody test.

11 134. And, the CDC and CSTE identified a number of “epidemiological”
12 criteria that should be considered when evaluating a potential COVID-19 case.
13 Specifically, whether the patient was within 6 feet for 10 to 30 minutes or more
14 with a person who has a confirmed or probable COVID-19 case; whether the
15 patient was within 6 feet for 10 to 30 minutes or more with a person with a
16 “clinically compatible illness” and some link exists to a confirmed COVID-19 case;
17 whether the patient traveled to or resided in an area with sustained, ongoing
18 community transmission of COVID-19; and/or whether the patient is a member of
19 an at-risk cohort.

20 135. Patients who meet both the clinical and epidemiological criteria are
21 considered probable COVID-19 cases, as are those patients who presumptively
22 meet the laboratory criteria and either the clinical or epidemiological criteria.

23 136. The position statement also recognized that “field investigations will
24 involve evaluations of persons with *no symptoms* and *these individuals will need to*
25 *be counted as cases.*”

26 137. In addition to the above-listed clinical criteria, the CDC has published
27 more up-to-date information regarding the range of symptoms created by COVID-
28 19. This list, which the CDC concedes is not comprehensive, includes:

- 1 a. Fever or chills
- 2 b. Cough
- 3 c. Shortness of breath or difficulty breathing
- 4 d. Fatigue
- 5 e. Muscle or body aches
- 6 f. Headache
- 7 g. New loss of taste or smell
- 8 h. Sore throat
- 9 i. Congestion or runny nose
- 10 j. Nausea or vomiting
- 11 k. Diarrhea⁵¹

12 **IX. PLAINTIFFS' MEDICAL EXPERIENCES**

13 138. Plaintiffs were all exposed, in close proximity for extended periods of
14 time, to individuals who were or were probably carrying COVID-19, including
15 crew members onboard the M/V GRAND PRINCESS and their fellow passengers.
16 Plaintiffs likewise effectively “resided in” for over two weeks a community—the
17 cruise ship—that experienced sustained and ongoing transmission, as is evidenced
18 by the vast numbers of passengers onboard the vessel who became ill with COVID-
19 19. Plaintiffs also suffered symptoms consistent with the clinical criteria identified
20 by the CDC and CSTE.

21 139. Before boarding the M/V GRAND PRINCESS, Plaintiff TIMOTHY
22 LEUENHAGEN was not exhibiting any symptoms of COVID-19 nor had he been
23 exposed to anyone who had been diagnosed with or who exhibited symptoms of
24 COVID-19. He had not travelled outside the United States in the two weeks prior to
25 boarding.

26 _____
27 ⁵¹ Center for Disease Control and Prevention, Symptoms of Coronavirus, Updated
28 May 13, 2020 <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html#> (last visited August 14, 2020).

1 140. While onboard the M/V GRAND PRINCESS, TIMOTHY
2 LEUENHAGEN was exposed to COVID-19 when he attended events and activities
3 where he was in close proximity to numerous other passengers and crew members,
4 some of whom were infected with COVID-19.

5 141. On or around March 13, 2020, while in quarantine at Marine Corps Air
6 Station Miramar in San Diego, California, TIMOTHY LEUENHAGEN tested
7 positive for COVID-19. He has since experienced persistent shortness of breath and
8 rapid heartbeat. Based on the timing of his positive test results, it is more likely
9 than not that TIMOTHY LEUENHAGEN contracted COVID-19 during the subject
10 voyage.

11 142. Before boarding the M/V GRAND PRINCESS, Plaintiff NANCY
12 LEUENHAGEN was not exhibiting any symptoms of COVID-19 nor had she been
13 exposed to anyone who had been diagnosed with or who exhibited symptoms of
14 COVID-19. She had not travelled outside the United States in the two weeks prior
15 to boarding.

16 143. While onboard the M/V GRAND PRINCESS, NANCY
17 LEUENHAGEN was exposed to COVID-19 when she attended events and
18 activities where she was in close proximity to numerous other passengers and crew
19 members, some of whom were infected with COVID-19.

20 144. On or around March 15, 2020, NANCY LEUENHAGEN began to
21 suffer from a runny nose, dizziness, diarrhea, and a loss of taste and smell. She has
22 still not recovered her senses of taste and smell. In late April, 2020, she tested
23 positive for COVID-19 antibodies. Based on her positive test results, the timing of
24 the onset of her symptoms, and the CDC's definition of a "probable case" of
25 COVID-19, it is more likely than not that NANCY LEUENHAGEN contracted
26 COVID-19 during the subject voyage.

27 145. Before boarding the M/V GRAND PRINCESS, Plaintiff JAMES
28 LEMAIRE was not exhibiting any symptoms of COVID-19 nor had he been

1 exposed to anyone who had been diagnosed with or who exhibited symptoms of
2 COVID-19. He had not travelled outside the United States in the two weeks prior to
3 boarding.

4 146. While onboard the M/V GRAND PRINCESS, JAMES LEMAIRE was
5 exposed to COVID-19 when he attended events and activities where he was in close
6 proximity to numerous other passengers and crew members, some of whom were
7 infected with COVID-19.

8 147. On or around February 27, 2020, JAMES LEMAIRE began
9 experiencing fatigue and a fever. Based on the timing of the onset of his symptoms
10 and the CDC's definition of a "probable case" of COVID-19, it is more likely than
11 not that JAMES LEMAIRE contracted COVID-19 during the subject voyage.

12 148. Before boarding the M/V GRAND PRINCESS, Plaintiff HELGA
13 MYLES was not exhibiting any symptoms of COVID-19 nor had she been exposed
14 to anyone who had been diagnosed with or who exhibited symptoms of COVID-19.
15 She had not travelled outside the United States in the two weeks prior to boarding.

16 149. While onboard the M/V GRAND PRINCESS, HELGA MYLES was
17 exposed to COVID-19 when she attended events and activities where she was in
18 close proximity to numerous other passengers and crew members, some of whom
19 were infected with COVID-19.

20 150. On or around February 27, 2020, HELGA MYLES began experiencing
21 fatigue and a persistent cough. She still experiences difficulty breathing. Based on
22 the timing of the onset of her symptoms and the CDC's definition of a "probable
23 case" of COVID-19, it is more likely than not that HELGA MYLES contracted
24 COVID-19 during the subject voyage.

25 151. Before boarding the M/V GRAND PRINCESS, Plaintiff MARILYN
26 HAMILTON was not exhibiting any symptoms of COVID-19 nor had she been
27 exposed to anyone who had been diagnosed with or who exhibited symptoms of
28

1 COVID-19. She had not travelled outside the United States in the two weeks prior
2 to boarding.

3 152. While onboard the M/V GRAND PRINCESS, MARILYN
4 HAMILTON was exposed to COVID-19 when she attended events and activities
5 where she was in close proximity to numerous other passengers and crew members,
6 some of whom were infected with COVID-19.

7 153. On or around March 1, 2020, MARILYN HAMILTON began
8 experiencing a dry cough, headache, nausea, vomiting, diarrhea, headache, chills,
9 fatigue, and a loss of smell and taste. On or around March 22, 2020, while in
10 quarantine at Travis Air Force Base in Solano County, California, she tested
11 positive for COVID-19. Based on her positive test results, the timing of the onset of
12 her symptoms, and the CDC's definition of a "probable case" of COVID-19, it is
13 more likely than not that MARILYN HAMILTON contracted COVID-19 during
14 the subject voyage.

15 154. Before boarding the M/V GRAND PRINCESS, Plaintiff CECELIA
16 BOGER was not exhibiting any symptoms of COVID-19 nor had she been exposed
17 to anyone who had been diagnosed with or who exhibited symptoms of COVID-19.
18 She had not travelled outside the United States in the two weeks prior to boarding.

19 155. While onboard the M/V GRAND PRINCESS, CECELIA BOGER was
20 exposed to COVID-19 when she attended events and activities where she was in
21 close proximity to numerous other passengers and crew members, some of whom
22 were infected with COVID-19.

23 156. On or around February 24, 2020, CECELIA BOGER began to suffer
24 from a severe cough. Based on the timing of the onset of her symptoms and the
25 CDC's definition of a "probable case" of COVID-19, it is more likely than not that
26 CECELIA BOGER contracted COVID-19 during the subject voyage.

27 157. Before boarding the M/V GRAND PRINCESS, Plaintiff TERRY
28 FRASER was not exhibiting any symptoms of COVID-19 nor had he been exposed

1 to anyone who had been diagnosed with or who exhibited symptoms of COVID-19.
2 He had not travelled outside North America in the two weeks prior to boarding.

3 158. While onboard the M/V GRAND PRINCESS, TERRY FRASER was
4 exposed to COVID-19 when he attended events and activities where he was in close
5 proximity to numerous other passengers and crew members, some of whom were
6 infected with COVID-19.

7 159. On or around March 1, 2020, TERRY FRASER began to suffer from
8 coughing and congestion. Based the timing of the onset of his symptoms and the
9 CDC's definition of a "probable case" of COVID-19, it is more likely than not that
10 TERRY FRASER contracted COVID-19 during the subject voyage.

11 160. Before boarding the M/V GRAND PRINCESS, Plaintiff CYNTHIA
12 FRASER was not exhibiting any symptoms of COVID-19 nor had she been
13 exposed to anyone who had been diagnosed with or who exhibited symptoms of
14 COVID-19. She had not travelled outside North America in the two weeks prior to
15 boarding.

16 161. While onboard the M/V GRAND PRINCESS, CYNTHIA FRASER
17 was exposed to COVID-19 when she attended events and activities where she was
18 in close proximity to numerous other passengers and crew members, some of whom
19 were infected with COVID-19.

20 162. On or around March 1, 2020, CYNTHIA FRASER began to suffer
21 from coughing and congestion. Based on the timing of the onset of her symptoms
22 and the CDC's definition of a "probable case" of COVID-19, it is more likely than
23 not that CYNTHIA FRASER contracted COVID-19 during the subject voyage.

24 163. Before boarding the M/V GRAND PRINCESS, Plaintiff JOAN
25 MCREE was not exhibiting any symptoms of COVID-19 nor had she been exposed
26 to anyone who had been diagnosed with or who exhibited symptoms of COVID-19.
27 She had not travelled outside the United States in the two weeks prior to boarding.
28

1 164. While onboard the M/V GRAND PRINCESS, JOAN MCREE was
2 exposed to COVID-19 when she attended events and activities where she was in
3 close proximity to numerous other passengers and crew members, some of whom
4 were infected with COVID-19.

5 165. On or around February 24, 2020, JOAN MCREE began to suffer from
6 a severe cough, sometime coughing so much that her nose would bleed. She still
7 has a lingering cough. Based on the timing of the onset of her symptoms and the
8 CDC’s definition of a “probable case” of COVID-19, it is more likely than not that
9 JOAN MCREE contracted COVID-19 during the subject voyage.

10 166. Before boarding the M/V GRAND PRINCESS, Plaintiff JORDAN
11 LICHTENSTEIN was not exhibiting any symptoms of COVID-19 nor had he been
12 exposed to anyone who had been diagnosed with or who exhibited symptoms of
13 COVID-19. He had not travelled outside the United States in the two weeks prior to
14 boarding.

15 167. While onboard the M/V GRAND PRINCESS, JORDAN
16 LICHTENSTEIN was exposed to COVID-19 when he attended events and
17 activities where he was in close proximity to numerous other passengers and crew
18 members, some of whom were infected with COVID-19.

19 168. On or around March 3, 2020, JORDAN LICHTENSTEIN began
20 experiencing congestion. On or around March 4, 2020, he developed a fever. On
21 March 18, 2020, he tested positive for COVID-19. He spent twelve days in
22 isolation at the University of California San Diego Medical Center before being
23 transferred to his home outside of Chicago, Illinois via a chartered plane, because
24 his illness made it impossible to travel on a commercial airline. Since then,
25 JORDAN LICHTENSTEIN has experienced multiple blood clots, blockages of his
26 carotid artery, and has had two strokes—all of which are due to his infection with
27 COVID-19. His physicians have informed him that as a result of his COVID-19-
28 related illness, he will require multiple surgeries. Additionally, he still cannot

1 swallow whole food and has been able to eat only pureed food. He is currently
2 receiving therapy for his speech and swallowing. Based on his positive test results,
3 the date of the onset of his symptoms, and the CDC’s definition of a “probable
4 case” of COVID-19, it is more likely than not that JORDAN LICHTENSTEIN
5 contracted COVID-19 during the subject voyage.

6 169. Before boarding the M/V GRAND PRINCESS, Plaintiff MARCIA
7 LICHTENSTEIN was not exhibiting any symptoms of COVID-19 nor had she been
8 exposed to anyone who had been diagnosed with or who exhibited symptoms of
9 COVID-19. She had not travelled outside the United States in the two weeks prior
10 to boarding.

11 170. While onboard the M/V GRAND PRINCESS MARCIA
12 LICHTENSTEIN was exposed to COVID-19 when she attended events and
13 activities where she was in close proximity to numerous other passengers and crew
14 members, some of whom were infected with COVID-19.

15 171. On or around March 3, 2020, MARCIA LICHTENSTEIN began
16 experiencing congestion and a cough. In the next few days, she began to suffer
17 from a sore throat and head and body aches. On March 18, 2020, she tested positive
18 for COVID-19. Based on her positive test results, the timing of the onset of his
19 symptoms, and the CDC’s definition of a “probable case” of COVID-19, it is more
20 likely than not that MARCIA LICHTENSTEIN contracted COVID-19 during the
21 subject voyage.

22 172. Before boarding the M/V GRAND PRINCESS, Plaintiff J. LESLIE
23 WARNER was not exhibiting any symptoms of COVID-19 nor had he been
24 exposed to anyone who had been diagnosed with or who exhibited symptoms of
25 COVID-19. He had not travelled outside the North America in the two weeks prior
26 to boarding.

27 173. While onboard the M/V GRAND PRINCESS J. LESLIE WARNER
28 was exposed to COVID-19 when he attended events and activities where he was in

1 close proximity to numerous other passengers and crew members, some of whom
2 were infected with COVID-19.

3 174. On or around March 14, 2020, J. LESLIE WARNER began to suffer
4 from a sore throat, a dry cough, fever, body aches, shortness of breath, and tightness
5 in his chest. On March 15, 2020, he tested positive for COVID-19. Based on his
6 positive test results, the timing of the onset of his symptoms, and the CDC's
7 definition of a "probable case" of COVID-19, it is more likely than not that J.
8 LESLIE WARNER contracted COVID-19 during the subject voyage.

9 175. Before boarding the M/V GRAND PRINCESS, Plaintiff WENDY
10 WARNER was not exhibiting any symptoms of COVID-19 nor had she been
11 exposed to anyone who had been diagnosed with or who exhibited symptoms of
12 COVID-19. She had not travelled outside the United States in the two weeks prior
13 to boarding.

14 176. While onboard the M/V GRAND PRINCESS, WENDY WARNER
15 was exposed to COVID-19 when she attended events and activities where she was
16 in close proximity to numerous other passengers and crew members, some of whom
17 were infected with COVID-19.

18 177. On or around March 7, 2020, WENDY WARNER began to suffer
19 from headache, a dry cough, and tightness in her chest. Over the next few days, she
20 developed a sore throat, runny nose, fatigue, body aches, and an upset stomach. On
21 March 14, 2020, she tested positive for COVID-19. Based on the positive test
22 results, the timing of the onset of her symptoms, and the CDC's definition of a
23 "probable case" of COVID-19, it is more likely than not that WENDY WARNER
24 contracted COVID-19 during the subject voyage.

25 178. Before boarding the M/V GRAND PRINCESS, Plaintiff MICHAEL
26 PIASECKI was not exhibiting any symptoms of COVID-19 nor had he been
27 exposed to anyone who had been diagnosed with or who exhibited symptoms of
28

1 COVID-19. He had not travelled outside the United States in the two weeks prior to
2 boarding.

3 179. While onboard the M/V GRAND PRINCESS, MICHAEL PIASECKI
4 was exposed to COVID-19 when he attended events and activities where he was in
5 close proximity to numerous other passengers and crew members, some of whom
6 were infected with COVID-19.

7 180. On or around March 6, 2020, MICHAEL PIASECKI began to suffer
8 from a cough, headache, fever, chills, fatigue, and a loss of his sense of taste. On
9 May 16, 2020, he tested positive for COVID-19 antibodies. Based on his positive
10 test results, the timing of the onset of his symptoms, and the CDC's definition of a
11 "probable case" of COVID-19, it is more likely than not that MICHAEL
12 PIASECKI contracted COVID-19 during the subject voyage.

13 181. Before boarding the M/V GRAND PRINCESS, Plaintiff BONNIE
14 PIASECKI was not exhibiting any symptoms of COVID-19 nor had she been
15 exposed to anyone who had been diagnosed with or who exhibited symptoms of
16 COVID-19. She had not travelled outside the United States in the two weeks prior
17 to boarding.

18 182. While onboard the M/V GRAND PRINCESS, BONNIE PIASECKI
19 was exposed to COVID-19 when she attended events and activities where she was
20 in close proximity to numerous other passengers and crew members, some of whom
21 were infected with COVID-19.

22 183. On or around March 5, 2020, BONNIE PIASECKI began to suffer
23 from a dry cough, headache, and fever. On May 16, 2020, she tested positive for
24 COVID-19 antibodies. Based on her positive test results, the timing of the onset of
25 her symptoms, and the CDC's definition of a "probable case" of COVID-19, it is
26 more likely than not that, it is more likely than not that BONNIE PIASECKI
27 contracted COVID-19 during the subject voyage.
28

1 184. Before boarding the M/V GRAND PRINCESS, Plaintiff DAVID
2 KNUDSEN was not exhibiting any symptoms of COVID-19 nor had he been
3 exposed to anyone who had been diagnosed with or who exhibited symptoms of
4 COVID-19. He had not travelled outside the United States in the two weeks prior to
5 boarding.

6 185. While onboard the M/V GRAND PRINCESS, DAVID KNUDSEN
7 was exposed to COVID-19 when he attended events and activities where he was in
8 close proximity to numerous other passengers and crew members, some of whom
9 were infected with COVID-19.

10 186. On or around March 1, 2020, DAVID KNUDSEN began to suffer
11 from a cough, headache, chills, fatigue, shortness of breath, and pain and pressure
12 in his chest. On March 9, 2020, he tested positive for COVID-19 antibodies. Based
13 on his positive test results, the timing of the onset of his symptoms, and the CDC's
14 definition of a "probable case" of COVID-19, it is more likely than not that DAVID
15 KNUDSEN contracted COVID-19 during the subject voyage.

16 187. Before boarding the M/V GRAND PRINCESS, Plaintiff CINDY
17 KNUDSEN was not exhibiting any symptoms of COVID-19 nor had she been
18 exposed to anyone who had been diagnosed with or who exhibited symptoms of
19 COVID-19. She had not travelled outside the United States in the two weeks prior
20 to boarding.

21 188. While onboard the M/V GRAND PRINCESS, CINDY KNUDSEN
22 was exposed to COVID-19 when she attended events and activities where she was
23 in close proximity to numerous other passengers and crew members, some of whom
24 were infected with COVID-19.

25 189. On or around March 6, 2020, CINDY KNUDSEN began to suffer
26 from a cough, headache, fatigue, nausea, congestion, sore throat, and a loss of her
27 sense of taste and smell. Based on the timing of the onset of her symptoms and the
28 CDC's definition of a "probable case" of COVID-19, it is more likely than not that,

1 it is more likely than not that CINDY KNUDSEN contracted COVID-19 during the
2 subject voyage.

3 190. Before boarding the M/V GRAND PRINCESS, Plaintiff EDWARD
4 LAKE was not exhibiting any symptoms of COVID-19 nor had he been exposed to
5 anyone who had been diagnosed with or who exhibited symptoms of COVID-19.
6 He had not travelled outside the United States in the two weeks prior to boarding.

7 191. While onboard the M/V GRAND PRINCESS, EDWARD LAKE was
8 exposed to COVID-19 when he attended events and activities where he was in close
9 proximity to numerous other passengers and crew members, some of whom were
10 infected with COVID-19.

11 192. On or around March 16, 2020, while in quarantine at Marine Corps Air
12 Station Miramar in San Diego, California, EDWARD LAKE tested positive for
13 COVID-19. On or about March 17, 2020, EDWARD LAKE was transported by
14 ambulance from Miramar to the Intensive Care Unit at Scripps San Diego Hospital
15 due to a high fever, low oxygen, severe coughing, pneumonia, and weight loss. He
16 was released from the hospital on or about March 27, 2020 and continues to suffer
17 from fatigue, shortness of breath, and an inability to perform certain activities of
18 daily living.

19 193. Based on the timing of his positive test results, it is more likely than
20 not that EDWARD LAKE contracted COVID-19 during the subject voyage.

21 194. Before boarding the M/V GRAND PRINCESS, Plaintiff ELAINE
22 CARRIGAN was not exhibiting any symptoms of COVID-19 nor had she been
23 exposed to anyone who had been diagnosed with or who exhibited symptoms of
24 COVID-19. She had not travelled outside the United States in the two weeks prior
25 to boarding.

26 195. While onboard the M/V GRAND PRINCESS, ELAINE CARRIGAN
27 was exposed to COVID-19 when he attended events and activities where he was in
28

1 close proximity to numerous other passengers and crew members, some of whom
2 were infected with COVID-19.

3 196. On or around March 16, 2020, while in quarantine at Marine Corps Air
4 Station Miramar in San Diego, California, ELAINE CARRIGAN tested positive for
5 COVID-19 and experienced weight loss and diarrhea.

6 197. As a direct and proximate result of their negligence and gross
7 negligence Defendants exposed Plaintiffs and Class Members to COVID-19, actual
8 risk of immediate physical injury, and, in many cases, already-manifested actual
9 physical injury. As a direct and proximate result of their exposure to COVID-19,
10 Plaintiffs and Class Members have suffered physical injuries as described above, as
11 well as emotional distress of the nature and type that reasonable persons would
12 suffer under the circumstances alleged in this Complaint, including, but not limited
13 to, suffering anguish, fright, horror, nervousness, grief, anxiety, worry, shock,
14 humiliation and shame.

15 198. In addition, Plaintiffs and Class Members were traumatized by their
16 direct exposure to COVID-19, the risk that they would contract the virus, and the
17 reasonable apprehension associated with that risk, as well as by their confinement
18 on an infected vessel in isolation and for two weeks, on military bases, in some
19 cases knowing that their friends and loved ones were suffering from, or could
20 contract, a potentially lethal illness.

21 199. Furthermore, as noted above, public health experts and physicians
22 continue to learn more about the myriad ways COVID-19 attacks and damages the
23 body, including long-lasting harms to the cardio-vascular system,⁵² and to the
24
25

26 ⁵² Valentina O. Puntmann, et al., Outcomes of Cardiovascular Magnetic Resonance
27 Imaging in Patients Recently Recovered From Coronavirus Disease 2019 (COVID-
28 19), JAMA Cardiology, July 27, 2020,
<https://jamanetwork.com/journals/jamacardiology/fullarticle/2768916> (last visited
August 12, 2020).

1 kidneys, liver, and neurological system, potentially even in “asymptomatic”
2 patients.

3 200. Plaintiffs and Class Members develop new and evolving medical
4 concerns and uncertainties that require and will continue to require medical
5 diagnostic exams. Plaintiffs and the Class Members are suffering and will continue
6 to suffer due to the ever-present anxiety and reasonable apprehension that they will
7 or may later experience negative health outcomes or complications as a direct and
8 proximate result of being exposed to COVID-19 because of Defendants’ negligent
9 and grossly negligent acts and omissions.

10 201. It is expected that, as a result of Defendants’ negligence and gross
11 negligence, they will continue to suffer and will, in the future, require medical
12 services outside of the kinds accepted as part of the typical wear and tear of daily
13 life.

14 **REQUEST FOR INJUNCTIVE RELIEF**

15 202. Plaintiffs traveled on the M/V GRAND PRINCESS, a cruise ship
16 owned and operated by CARNIVAL and PRINCESS. In the future, Plaintiffs
17 intend to go on cruises again, including cruises operated by Defendants.

18 203. For passengers of the M/V GRAND PRINCESS during the COVID-
19 infested cruises, including Plaintiffs, CARNIVAL and PRINCESS provided
20 passengers a 100% “Future Cruise Credit,” equal to the value that the passengers
21 spent for the COVID-infested cruise, which credit must be used before March 31,
22 2021. If passengers do not use the credit for a CARNIVAL cruise by March 31,
23 2021, then the passenger forfeits the full value of the cruise. This underscores that
24 CARNIVAL and PRINCESS fully expect that passengers, including Plaintiffs, will
25 embark on a CARNIVAL/PRINCESS cruise in the near future.

26 204. Without accurate and necessary information from CARNIVAL and
27 PRINCESS regarding the risks of exposure onboard their vessel(s), recent exposure
28 or potential exposure of passengers and crew members onboard their vessel(s), and

1 whether CARNIVAL and PRINCESS have any reason to believe that their
2 vessel(s) may be infested with COVID-19 or other communicable disease,
3 Plaintiffs will not be able to make informed decisions about whether it is safe to
4 travel on cruises operated by CARNIVAL and PRINCESS.

5 205. Another critical concern for Plaintiffs, who plan to take cruises again
6 when they are able to do so, is whether they can rely on PRINCESS and
7 CARNIVAL to faithfully inform Plaintiffs and other future cruise passengers about
8 potential safety hazards, including and especially viral outbreaks, and whether
9 PRINCESS and CARNIVAL will take reasonable and necessary steps to protect
10 from and mitigate risks and harms associated with communicable diseases,
11 including COVID-19.

12 206. This concern is especially acute for Plaintiffs here in light of the
13 multiple outbreaks experienced by passengers onboard vessels owned by
14 PRINCESS and CARNIVAL, including but not limited to the M/V GRAND
15 PRINCESS. Plaintiffs also expect that, absent an injunction, they will experience
16 future injury because CARNIVAL and PRINCESS previously asserted their
17 commitment to passengers' safety, well-being, and comfort and assured certain
18 Plaintiffs that they would institute particular screening measures, but then failed to
19 do so, and failed to take other effective measures to ensure that Plaintiffs were not
20 exposed to COVID-19.

21 207. Moreover, CARNIVAL and PRINCESS's actions and omissions
22 exacerbated and hastened the spread of COVID-19 onboard the M/V GRAND
23 PRINCESS, exposing Plaintiffs to a potentially-lethal viral contagion.

24 208. Plaintiffs face a real threat that, absent an injunction, they will be
25 subject to the same acts and omissions by CARNIVAL and PRINCESS that will
26 once again expose them to COVID-19 and/or other communicable disease that will
27 cause them injury and emotional harms.

28

1 amend the Class definition if discovery and further investigation reveal that the
2 Class should be expanded, otherwise divided into subclasses, or modified in any
3 other way.

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

8 **A. Numerosity**

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

20 **B. Typicality**

21 216. The claims of Representative Plaintiffs are typical of the claims of
22 Class Members in that Plaintiffs, like all Class Members, sailed on the leg of the
23 M/V GRAND PRINCESS cruise that began on February 21, 2020. Plaintiffs, like
24 all Class Members, have been damaged by Defendants' misconduct in that they
25 sailed on a cruise they would not have sailed on and suffered significant injury,
26 emotional distress and economic damage, including medical monitoring, caused by
27 the negligence of the Defendants. The factual bases of CARNIVAL and
28

1 PRINCESS's misconduct are common to all Class Members and represent a
2 common thread of misconduct resulting in injury to all Class Members.

3 **C. Adequate Representation**

4 217. Representative Plaintiffs TIMOTHY LEUENHAGEN, NANCY
5 LEUENHAGEN, JAMES LEMAIRE, HELGA MYLES, and MARILYN
6 HAMILTON will fairly and adequately represent and protect the interests of the
7 Class Members. Representative Plaintiffs TIMOTHY LEUENHAGEN, NANCY
8 LEUENHAGEN, JAMES LEMAIRE, HELGA MYLES, and MARILYN
9 HAMILTON have retained counsel with substantial experience in prosecuting class
10 actions, aggregate suits, and mass torts.

11 218. Representative Plaintiffs TIMOTHY LEUENHAGEN, NANCY
12 LEUENHAGEN, JAMES LEMAIRE, HELGA MYLES, and MARILYN
13 HAMILTON and their counsel are committed to vigorously prosecuting this action
14 on behalf of all Class Members, and have the financial resources to do so. Neither
15 Representative Plaintiffs TIMOTHY LEUENHAGEN, NANCY LEUENHAGEN,
16 JAMES LEMAIRE, HELGA MYLES, and MARILYN HAMILTON nor their
17 counsel have interests adverse to those of the Class Members.

18 **D. Predominance of Common Issues**

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

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

27 b. whether Defendants should have canceled the subject cruise to
28 avoid exposing passengers to a deadly pathogen and/or taken other steps to avoid

1 exposing passengers to a deadly pathogen, such as imposing social distancing
2 requirements, eliminating mass gatherings, and quarantining;

3 c. whether Defendants had a duty to decontaminate the M/V
4 GRAND PRINCESS after they knew or should have known that individuals who
5 had been aboard the M/V GRAND PRINCESS prior to the subject cruise were or
6 were potentially carriers of the COVID-19 virus, and/or after it had been disclosed
7 prior to embarking on the subject leg of the cruise that passengers on the
8 DIAMOND PRINCESS had perished due to the COVID-19 virus;

9 d. whether Defendants knew or should have known that passengers
10 and crew who had been aboard the M/V GRAND PRINCESS prior to the subject
11 cruise were exposed to or were potentially carriers of the COVID-19 virus;

12 e. whether the fact that prior passengers and crew had been
13 exposed to or were potential carriers of the COVID-19 virus constitutes a material
14 fact reasonable consumers would have considered in deciding whether to embark
15 on the subject cruise;

16 f. whether Defendants had a duty to disclose that passengers and
17 crew who had been aboard the M/V GRAND PRINCESS prior to the subject cruise
18 were exposed to or were potentially carriers of the COVID-19 virus, and other
19 relevant information;

20 g. whether Defendants failed to disclose that passengers and crew
21 who had been aboard the M/V GRAND PRINCESS prior to the subject cruise were
22 or were potentially carriers of the COVID-19 virus and other relevant information;

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

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

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

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

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

6 **E. Superiority**

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

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

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

22 **F. Limited Fund**

23 223. In an abundance of caution, Plaintiffs take note of the presently
24 apparent financial circumstances of CARNIVAL and/or PRINCESS to allege the
25 possibility that their assets and resources available to fairly compensate Plaintiffs
26 and Class Members, to satisfy appropriate punitive damages awards, and/or
27 otherwise fairly address the claims against them may constitute a "limited fund"
28 within the meaning of *Ortiz v. Fibreboard Corp.*, 527 U.S. 815 (1999), such that

1 class certification under Rule 23(b)(1)(B) is necessary and appropriate as a matter
2 of due process and equity.

3 **G. Mass Action**

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

8 225. Plaintiffs' individual claims exceed the required jurisdictional amount
9 of \$75,000.00.

10 **CLAIMS FOR RELIEF**

11 **FIRST CAUSE OF ACTION**
12 **NEGLIGENCE AGAINST ALL DEFENDANTS**

13 226. Plaintiffs re-allege all allegations in paragraphs 1 through 225 as if
14 alleged fully herein.

15 227. Defendants CARNIVAL and PRINCESS owed Plaintiffs, and the
16 Class, who were passengers who boarded the M/V GRAND PRINCESS on
17 February 21, 2020 and who Defendants therefore had a custodial relationship over,
18 a duty to ensure that they would not be exposed to an unreasonable risk of harm.

19 228. CARNIVAL and PRINCESS held themselves out as committed to and
20 responsible for ensuring the health and safety of their vessels and the passengers
21 onboard those vessels—including the M/V GRAND PRINCESS. Plaintiffs and
22 Class members took Defendants at their word and put themselves in Defendants'
23 hands for the full duration of the voyage that is the subject of this Complaint.
24 Plaintiffs and Class members relied on Defendants to ensure their security. Thus,
25 Defendants owed Plaintiffs and the Class a duty to take actions to prevent and
26 mitigate the risk of threats to passengers' health and safety, including by ensuring
27 that the M/V GRAND PRINCESS was properly cleaned, disinfected, and safely
28 maintained. Furthermore, Defendants owed Plaintiffs and Class members a duty to

1 not take actions that would exacerbate the spread and threat of COVID-19 onboard
2 the ship.

3 229. Defendants knew or should have known the unique conditions aboard
4 cruise ships that create a particular risk of viral outbreak. Defendants knew or
5 should have known that cruise ships owned and operated by Defendants had been
6 the sites of prior, lethal outbreaks of COVID-19, and should have been aware of
7 new guidelines for the cruise industry published by Dr. Hadjichristodoulou and a
8 team of European experts on February 3, 2020. In particular, Defendants had
9 knowledge of the actual risks facing passengers based on the outbreak of the virus
10 on the DIAMOND PRINCESS a mere three weeks prior to the instant outbreak.

11 230. Defendants knew or should have known that passengers traveling on
12 the M/V GRAND PRINCESS had suffered COVID-19 symptoms and that
13 passengers aboard the M/V GRAND PRINCESS's San Francisco-Mexico voyage
14 who remained onboard the vessel for the instant voyage were or could have been
15 exposed to and were or could have been carriers of the virus.

16 231. Defendants knew or should have known that crew members aboard the
17 M/V GRAND PRINCESS were or could have been exposed to COVID-19 and
18 were or could have been carriers of the virus.

19 232. Defendants failed to do what a reasonably careful cruise ship owner
20 and operator would do under the circumstances.

21 233. Defendants breached their duty to Plaintiffs and the Class when, with
22 the aforementioned knowledge, Defendants nevertheless chose to embark on the
23 San Francisco-Hawaii voyage.

24 234. Defendants also breached their duties when, with that same
25 knowledge, they chose not to screen or medically examine any passengers or crew,
26 including the approximately sixty-two passengers and over 1,000 crew members
27 who had traveled on the San Francisco-Mexico trip and were also traveling on the
28 San Francisco-Hawaii trip.

1 235. Defendants further breached their duties to Plaintiffs and the Class
2 when, with the above-mentioned knowledge, Defendants boarded, without
3 additional decontamination and screening protocols, Plaintiffs and the Class onto
4 the likely infested ship and negligently chose not to notify Plaintiffs and the Class
5 of: the actual risk that the ship was infested with COVID-19 due to prior
6 passengers' infections; the actual and extreme risks of contracting COVID-19 while
7 using facilities on the vessel; and/or the actual and extreme risks of contracting
8 COVID-19 while interacting with passengers and crew who had traveled on the
9 Mexico voyage.

10 236. Additionally, Defendants breached their duties to Plaintiffs and the
11 Class when, on or before February 25, 2020, Defendants repeatedly failed to notify
12 passengers aboard the M/V GRAND PRINCESS during the San Francisco-Hawaii
13 voyage that passengers on the Mexico voyage had been diagnosed with COVID-19,
14 that one had died, and that certain passengers and crew from that trip remained
15 onboard the M/V GRAND PRINCESS.

16 237. If Defendants had adequately informed Plaintiffs and the Class prior to
17 boarding, or at any other time, of the relevant information in Defendants'
18 possession, including facts regarding the M/V GRAND PRINCESS, its prior
19 passengers, continuing passengers and crew, lack of adequate screening, lack of
20 adequate disinfecting procedures, lack of adequate quarantining procedures, and the
21 actual risk of exposure, Plaintiffs and the Class could have made informed
22 decisions about their health and their families' health, including disembarking from
23 or not boarding the vessel.

24 238. Defendants repeatedly breached their duties to Plaintiffs and the Class
25 when, throughout the San Francisco-Hawaii voyage, with the aforementioned
26 knowledge, they repeatedly chose not to inform Plaintiffs of the continuing and
27 growing risks of contracting COVID-19, and chose not to provide Plaintiffs with
28 the informed option to disembark at one of the vessel's ports of call.

1 243. Defendants PRINCESS and CARNIVAL owed duties to Plaintiffs and
2 the Class to: safeguard against and mitigate the risks of passenger injury and
3 illness; appropriately disinfect and sanitize the M/V GRAND PRINCESS, in light
4 of the circumstances of a global pandemic; notify Plaintiffs and the Class of the
5 actual and especially high risk of contracting COVID-19 aboard the M/V GRAND
6 PRINCESS; disembark passengers and crew members who had likely come into
7 contact with individuals infected with COVID-19; and implement medical
8 screening and examination protocols for crew and passengers.

9 244. Defendants knew of the unreasonably high risk of viral contagion of
10 COVID-19 on cruise ships, and Defendants knew that it was especially dangerous
11 to expose Plaintiffs and the rest of the Class to COVID-19 in light of the situation
12 on the DIAMOND PRINCESS off the coast of Japan only three weeks prior.

13 245. Defendants' conduct in deciding to continue to operate the M/V
14 GRAND PRINCESS with Plaintiffs and the Class aboard, even with the
15 aforementioned knowledge, demonstrates an intentional failure to do what a
16 reasonably careful cruise ship owner and operator would do under the
17 circumstances, exhibits a willful and conscious disregard for the safety of Plaintiffs
18 and the Class, and evidences recklessness and indifference by Defendants, which
19 constitutes gross negligence.

20 246. Defendants' failure to abide by the guidelines issued on February 3,
21 2020, by not disembarking, on February 21, 2020, passengers known to have been
22 in casual contact with individuals who reported COVID-19 symptoms constitutes a
23 failure to provide even a modicum of care to Plaintiffs and the Class. Furthermore,
24 the continued and repeated choice not to quarantine or otherwise shelter in their
25 cabins the passengers and crew members who traveled on the San Francisco-
26 Mexico voyage demonstrates a willful and conscious disregard for the rights and
27 safety of others and amounts to an extreme departure of what a reasonably careful
28 cruise ship owner and operator would do.

1 247. Defendants' choice not to warn Plaintiffs and the Class of their actual
2 risk of harm in being exposed to COVID-19, either prior to boarding or while they
3 were already on board, in light of the prior passenger who came down with
4 symptoms and later died, along with others from that prior voyage that exhibited
5 symptoms, and the crew member who disembarked during this voyage due to
6 COVID-19-related illness, constitutes a failure to provide even a modicum of care
7 to Plaintiffs and the Class. The continued and repeated choice not to provide
8 passengers with notice of the actual risks facing them demonstrates a willful and
9 conscious disregard for the rights and safety of others and amounts to an extreme
10 departure of what a reasonably careful cruise ship owner and/or operator would do.

11 248. Moreover, Defendants' behavior demonstrated a willful and conscious
12 disregard for the rights and safety of others, and an extreme departure of what a
13 reasonably careful cruise ship owner and/or operator would do in their continued
14 and repeated choices to: not effectively sanitize and disinfect the M/V GRAND
15 PRINCESS, either before or during the San Francisco-Hawaii voyage; not institute
16 medical screening and examinations for passengers and crew members; host large
17 social gatherings and meals; conduct daily turn-down service; and not implement
18 quarantine or social distance protocols until March 5, 2020. These decisions
19 manifest Defendants' utter failure to provide even a modicum of care to Plaintiffs
20 and the Class.

21 249. Defendants chose to place profits over people, including the safety of
22 their passengers, crew, and the general public in continuing to operate business as
23 usual, despite their knowledge of the actual—potentially lethal—risk to Plaintiffs
24 and the Class.

25 250. Indeed, as a direct and proximate result of Defendants' extreme
26 departure from the ordinary standard of care and their failure to meet their duties of
27 care to Plaintiffs and the Class by providing even scant care, Plaintiffs experienced
28 COVID-19-associated symptoms as described in paragraphs 138 through 201.

1 upon the Hawaii-bound voyage, essentially trapping Plaintiffs and the Class on a
2 vessel infested with COVID-19, and likely exacerbated the spread of the virus
3 aboard the ship. Throughout the duration of the trip, Defendants continually and
4 repeatedly acted or failed to act in ways that caused Plaintiffs to be exposed to
5 COVID-19, including but not limited to: failing to take any effective actions to
6 prevent or mitigate the spread of COVID-19 throughout the crew members and/or
7 passengers; failing to alert passengers to the possibility of infection aboard the ship;
8 and hosting and encouraging participation in large group activities and events that
9 Defendants knew could lead to large-scale infection among the crew and
10 passengers.

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

15 257. As the direct and proximate result of Defendants' actions and
16 omissions throughout the duration of their voyage aboard the M/V GRAND
17 PRINCESS, Plaintiffs and members of the Class were in the "zone of danger,"
18 where they were directly exposed to a potentially-lethal virus, and placed at
19 immediate risk of—and actually suffered—actual physical harm as a result of their
20 direct and prolonged exposure to COVID-19.

21 258. As a result of this exposure, which was directly and proximately
22 caused by Defendants' acts and omissions, Plaintiffs and members of the Class
23 experienced severe psychic injuries, of the nature and type that reasonable persons
24 would suffer under the circumstances alleged in this Complaint, when they were
25 forced to watch first hand as their friends and family members became ill with
26 COVID-19, were concerned for their own safety and well-being, and continue to
27 expect that they may begin exhibiting symptoms or health complications not yet
28

1 identified as a result of COVID-19. Plaintiffs suffered physical and emotional
2 injury as the direct and proximate result of Defendants' misconduct.

3 259. 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, Plaintiffs experienced
6 physical harms in the form of COVID-19-associated symptoms and negative health
7 outcomes as described in paragraphs 138 through 201.

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

21 261. Plaintiffs and Class members were endangered and harmed by
22 Defendants' actions when they were forced into confinement on an infested vessel.
23 That danger and harm continued when they were confined at federal facilities,
24 including Travis Air Force Base, for approximately two weeks, as a result of the
25 threat of viral outbreak created by Defendants' actions. It is expected that Plaintiffs
26 and the Class will continue to suffer and will, in the future, require medical services
27 not of a kind generally anticipated as a typical part of daily life.
28

1 **FOURTH CAUSE OF ACTION**
2 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

3 262. Plaintiffs re-allege all allegations in paragraphs 1 through 225 as if
4 alleged fully herein.

5 263. CARNIVAL AND PRINCESS knew or should have known of unique
6 conditions aboard cruise ships that render the risk of viral contagion especially
7 dangerous and likely, and, based on their experience with COVID-19 aboard the
8 DIAMOND PRINCESS only three weeks prior to the instant voyage on the M/V
9 GRAND PRINCESS, Defendants knew or should have known that exposure to
10 COVID-19 was threatening to passengers’—including Plaintiffs—lives and well-
11 being.

12 264. Defendants also knew or should have known that passengers aboard
13 the San Francisco-to-Mexico trip on the M/V GRAND PRINCESS had experienced
14 symptoms of COVID-19, were eventually diagnosed with COVID-19, and that
15 those passengers remaining onboard for the Hawaii trip had been exposed and were
16 likely carriers of the virus.

17 265. By or before the time of boarding passengers onto the M/V GRAND
18 PRINCESS, on February 21, 2020, Defendants knew or should have known of the
19 extreme risks to health and safety—including the possibility of death—presented by
20 COVID-19.

21 266. In light of this knowledge and experience, and particularly given that,
22 *first*, cruise ships present an especially heightened risk of contagion and, *second*,
23 that once they have boarded, Passengers have no option of disembarking while the
24 ship remains at sea, Defendants exhibited extreme and outrageous conduct when,
25 *inter alia*, Defendants boarded Plaintiffs and the Class onto the M/V GRAND
26 PRINCESS on February 21, 2020, for the Hawaii-bound trip without taking any
27 effective measures to medically screen or examine passengers for COVID-19
28 symptoms.

1 267. Defendants additionally acted extremely and outrageously when they
2 chose not to effectively clean, sanitize, sterilize, or disinfect the M/V GRAND
3 PRINCESS in between the Mexico trip and the Hawaii trip. Furthermore,
4 Defendants' decision to allow Plaintiffs and the Class to embark upon a voyage, on
5 an ineffectively sanitized ship, with passengers and crew members who had been
6 exposed to COVID-19 constituted extreme and outrageous conduct.

7 268. Defendants' decision to ignore recent protocols and recommendations
8 issued by public health experts and experts in the cruise industry by not
9 disembarking crew members and passengers who had been exposed to COVID-19
10 on the M/V GRAND PRINCESS's first voyage between San Francisco and Mexico
11 was extreme and outrageous conduct.

12 269. Defendants exhibited repeated and continued extreme and outrageous
13 conduct when, during the San Francisco-to-Hawaii voyage upon the M/V GRAND
14 PRINCESS, prior to March 4, 2020, Defendants failed to: alert Plaintiffs to the fact
15 that at least one passenger on the prior voyage had been diagnosed with COVID-19
16 and had come into contact with passengers and crew members currently on the ship;
17 notify Plaintiffs and the Class about the actual and potential threat of exposure to,
18 infection of, and the possibility of spreading, COVID-19 aboard the ship; failed to
19 advise Plaintiffs and the Class about the possibility and health benefits of
20 disembarking during the trip, at one of the vessel's ports of call.

21 270. Defendants continued to behave extremely and outrageously when
22 they: encouraged Plaintiffs and the Class to continue mingling and participating in
23 large group events and functions throughout the duration of the trip; continued to
24 provide turn down service to passengers despite the fact that over 1,000 crew
25 members had been exposed to COVID-19 on the Mexico trip; and failed to institute
26 any policies for quarantine, isolation, or social distancing for passengers until
27 March 4, 2020.
28

1 271. The acts and omissions described herein not only failed to protect
2 Plaintiffs from exposure to and contraction of COVID-19, but likely exacerbated
3 the spread of the virus among the passengers, including Plaintiffs and the Class,
4 ultimately enlarging the threat and harms to Plaintiffs and the Class.

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

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

16 274. 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, Plaintiffs experienced
19 physical harms in the form of COVID-19-associated symptoms and negative health
20 outcomes as described in paragraphs 169 through 201.

21 275. Finally, as a direct and proximate result of Defendants' behavior,
22 which exposed Plaintiffs and the Class to COVID-19 and to actual risk of
23 immediate physical injury, Plaintiffs and the Class have suffered emotional distress
24 of the nature and type that reasonable persons would suffer under the circumstances
25 alleged in this Complaint, including, but not limited to, suffering, anguish, fright,
26 horror, nervousness, grief, anxiety, worry, shock, humiliation, and shame related to
27 their own exposure to COVID-19 and the suffering they witnessed among their
28 fellow passengers who contracted COVID-19. Plaintiffs and members of the class

1 were traumatized by the reasonable apprehension of their family members, friends
2 and fellow passengers developing COVID-19 and by the past and ongoing threat to
3 their own health of becoming infected with the virus and potentially suffering from
4 as-yet-unidentified negative health outcomes and complications.

5 276. Plaintiffs and Class members were endangered and harmed by
6 Defendants' actions when they were forced into confinement on an infected vessel
7 in isolation. That danger and harm continued when they were confined at federal
8 facilities, including Travis Air Force Base, for approximately two weeks, as a result
9 of the threat of viral outbreak created by Defendants' actions. It is expected that
10 Plaintiffs and the Class will continue to suffer and will, in the future, require
11 medical services not of a kind generally accepted as part of the wear and tear of
12 daily life.

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

19 **PRAYER FOR RELIEF**

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

22 1. An order certifying the proposed Class pursuant to Fed. R. Civ. P. Rule
23 23(a) and (b)(1), (b)(2), (b)(3) and/or (c)(4), designating Plaintiffs TIMOTHY
24 LEUENHAGEN, NANCY LEUENHAGEN, JAMES LEMAIRE, HELGA
25 MYLES, and MARILYN HAMILTON as named representatives of the Class and
26 designating the undersigned as Class Counsel;

27 2. An award of damages totaling in excess of Five Million Dollars
28 (\$5,000,000.00), inclusive of compensatory damages for Plaintiffs' injuries, including

1 emotional pain and suffering and any other damages allowed by law, in an amount to
2 be proven at trial;

3 3. An award of the costs associated with the ongoing medical monitoring
4 and diagnostic examinations required to diagnose, prevent, and/or treat current or
5 future injury related to Plaintiffs' and Class Members' exposure to, illness and disease
6 caused by, and contraction, asymptomatic contraction, and/or potential contraction of
7 COVID-19, in light of the evolving scientific understanding of the full risk and scope
8 of health outcomes related to and / or resulting from the virus;

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

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

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

21 7. Leave to amend this Complaint to conform to the evidence produced at
22 trial; and

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

24 **DEMAND FOR JURY TRIAL**

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

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Dated: February 9, 2021

Respectfully submitted,
NELSON & FRAENKEL LLP

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Dated: February 9, 2021

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